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In the Priby Council.

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In the Matter of

THE FOUNDATION KNOWN AS THE HOSPITAL OF EDWARD, LATE KING OF ENGLAND, THE SIXTH, OF CHRIST, COMMONLY CALLED CHRIST'S HOSPITAL;

And in the Matter of

THE ENDOWED SCHOOLS ACT, 1869, and Acts amending the same;

And in the Matter of

A SCHEME made by the Commissioners, under the said Acts, intituled "A Scheme "for the Administration of the above mentioned Foundation."

CASES OF THE APPELLANTS (OTHER THAN THE GOVERNORS OF CHRIST'S HOSPITAL) AND APPENDICES B., C., D. AND E.

R. M. BEACHCROFT,
9, Theobald's Road
THE CITY SOLICITOR,
Guildhall.
WINTER & COMPANY,
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C. O. HUMPHREYS & SONS,
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In the Privy Council.

In the Matter of THE FOUNDATION KNOWN AS THE HOSPITAL OF EDWARD, LATE KING OF ENGLAND, THE SIXTH, OF CHRIST, COMMONLY CALLED CHRIST'S HOSPITAL;

AND

In the Matter of THE ENDOWED SCHOOLS ACT, 1869, and amending Acts,

AND

In the Matter of the SCHEME made by the Commissioners, under the said Acts, intituled "A Scheme for the Administration of the above-named Foundation."

CASE OF THE APPELLANTS

THE Right Honourable FREDERICK EARL BEAUCHAMP, of 13, Belgrave Square, in the County of Middlesex, WILLIAM BANTING, of 22, Campden Hill Road, Kensington, in the County of Middlesex, GEORGE GILPIN BROWN, of Sedbury, Richmond, in the County of York, JOHN PETER GASSIOT, of The Culvers, Carshalton, in the County of Surrey, WILLIAM HINE-HAYCOCK, of 4, College Hill, in the City of London, SIR JAMES CLARKE LAWRENCE, Baronet, of 90, Cannon Street, in the City of London, SIR WILLIAM LAWRENCE, Knight, 75, Lancaster Gate, in the County of Middlesex, BRODIE AUGUSTUS WILCOX, of 28, Portman Square, in the County of Middlesex, and BENJAMIN YOUNG, of the Town and County of Hertford.

1. This is an Appeal against a Scheme made for the Administration of Christ's Hospital by the Charity Commissioners for England and Wales, under the provisions of the Endowed Schools Acts. The said Scheme was, on the 18th June, 1888, approved by the Committee of Council on Education, and has been duly published. Scheme App. A Vol. I. p. 1.

2. The Appellants were at the passing of the Endowed Schools Act, 1869, and still are Members of the Governing Body of Christ's Hospital, and each of Affidavit of M. S. S. Dipnall, App. B, p. 5.

ase of ppellants.

the Appellants, Earl Beauchamp, William Banting, George Gilpin Brown, John Peter Gassiot, William Hine-Haycock, Brodie Augustus Wilcox, and Benjamin Young, was elected a Governor of the said Hospital for his life before the passing of the said Act, in consequence of a Donation made by him, and is a person directly affected by the said Scheme, the said Sir James Clarke Lawrence and Sir William Lawrence having been first nominated Governors and made Donations consequent thereon.

Affidavit of M. S. S. Dipnall, App. B, p. 5. Table of Names of Appellant Donation Governors (D 1), App. B, p. 7. Table of Patronage (D 2), App. B, p 8.

3. As such Governor, each of the Appellants was at the passing of the said Act in exercise of the following rights of patronage, viz.—The right of presenting in rotation with other Governors children for admission into the Hospital. This right was exercisable by each of the Appellants upon an average (taking the rate of rotation which prevailed during 20 years next preceding the passing of the said Act of 1869) once in every 3 years and a half (as near as may be).

Table showing stay of Children (D 3), App. B p. 12.

4. In exercising this right, a Governor has not been in any way limited to having one Child only presented by him in the Hospital, and it frequently happens that there are several Children presented by the same Governor in the Hospital at the same time.

Scheme, App. A, Vol. I., p. 16.

5. By Clause 93 of the proposed Scheme, the said right of the Appellants to present Children to the Hospital is unnecessarily (as the Appellants submit), and materially interfered with and in part taken away as follows, viz.—it is in effect enacted (1st) That no existing Governor shall present a Boy so long as there is on the Foundation any other Boy presented by him, and (2nd) That one-third of all future presentations shall be of Girls only. Taking the ages of admission and leaving (S. 108 of Scheme), as 10 and 17 respectively, the right of presenting at all will thus be exercisable by the Appellants respectively (on an average) less often than once in 6 years, and the right of presenting a boy less often than twice in 18 years. Under the proposed Scheme there will be 820 boys in the Boarding Schools of the Hospital, and the Appellants submit that there is no valid reason for reducing their existing right to present Boys, nor for substituting a right to present Girls, which they consider to be of less value.

Ditto, p. 21.

6. It is further to be observed that the Scheme raises the minimum age of admission of the Children from 8 to 10, and that whereas no payments are now required in respect of any children admitted into the Hospital, the Scheme provides that from £10 to £20 per annum may be required to be paid in respect of two-thirds of the total number of Children by their respective parents or next friends.

Ditto, pp. 16, 18.

7. By Clauses 93 and 101 of the Scheme, a Donation Governor is to be allowed in certain cases to nominate one boy to compete with an indefinite number of other boys for admission to the Foundation of the Hospital; but this, as the Appellants submit, cannot properly be treated as commensurate with, or a compensation for a right of direct presentation.

8. In a former Draft Scheme for the Hospital, issued by the said Commissioners in 1880, it was provided that presentations under the Scheme should be issued in such a manner as to respect the rights of patronage, which were, at the passing of the said Act of 1869, exercised by Governors, in consequence of donations made by them; but no such Clause is contained in the Scheme now under Appeal. Case of Appellants. Extracts from Draft Scheme of 1880 (D 4), App. B, p. 13.

The Appellants submit that the approval of Her Majesty in Council ought to be withheld from the said Scheme for the following, among other

REASONS.

1. Because the Commissioners in the said Scheme have not duly and properly, as required by the Endowed Schools Act, 1869, had regard to the rights of patronage which were at the passing of the said Act, exercised by the Appellants as Members of the Governing Body of Christ's Hospital in consequence of donations made by them.
2. Because the said Scheme is accordingly not within the scope of or made in conformity with the said Act

F. VAUGHAN HAWKINS.

564923

In the Priby Council.

In the Matter of the FOUNDATION known as the HOSPITAL OF EDWARD, late King of England the 6th of Christ, commonly called Christ's Hospital;

AND

In the Matter of the ENDOWED SCHOOLS ACT, 1869, and amending Act;

AND

In the Matter of the SCHEME made by the Commissioners under the said Acts, intituled a "Scheme for the Administration of the above-mentioned Foundation."

CASE OF THE RIGHT HONOURABLE FREDERICK EARL BEAUCHAMP AND OTHERS.

R. M. BEACHCROFT,
9, Theobald's Road, W.C.,
Solicitor to Christ's Hospital.

Printed by Gilbert & Rivington, Ld., St. John's House, Clerkenwell Road.

In the Priby Council.

In the Matter of

THE FOUNDATION KNOWN AS THE HOSPITAL OF EDWARD, LATE KING OF ENGLAND, THE SIXTH, OF CHRIST, COMMONLY CALLED CHRIST'S HOSPITAL;

And in the Matter of

THE ENDOWED SCHOOLS ACT, 1869, and Acts amending the same;

And in the Matter of

A SCHEME made by the Commissioners, under the said Acts, intituled "A Scheme for the Administration of the above-mentioned Foundation."

JOINT APPENDIX B.

OF

THE APPELLANTS,

THE RIGHT HONOURABLE FREDERICK EARL BEAUCHAMP AND OTHERS, AS DONATION GOVERNORS.

AND OF THE RESPONDENTS.

R. M. BEACHCROFT,
9, Theobald's Road, W.C.

FARRER AND COMPANY,
66, Lincoln's Inn Fields, W.C.

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In the Privy Council.

In the Matter of

THE FOUNDATION KNOWN AS THE HOSPITAL OF EDWARD, LATE KING OF ENGLAND, THE SIXTH, OF CHRIST, COMMONLY CALLED CHRIST'S HOSPITAL;

And in the Matter of

THE ENDOWED SCHOOLS ACT, 1869, and Amending Act;

And in the Matter of

THE SCHEME made by the Commissioners, under the said Acts, intituled "A Scheme for the Administration of the above-mentioned Foundation."

No. 1.

TO THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

THE HUMBLE PETITIONS OF

THE RIGHT HONOURABLE FREDERICK EARL BEAUCHAMP, of 13, Belgrave Square, in the County of Middlesex; WILLIAM BANTING, of 22, Campden Hill Road, Kensington, in the County of Middlesex; GEORGE GILPIN BROWN, of Sedbury, Richmond, in the County of York; JOHN PETER GASSIOT, of the Culvers, Carshalton, in the County of Surrey; WILLIAM HINE-HAYCOCK, of 4, College Hill, in the City of London; Sir JAMES CLARKE LAWRENCE, Baronet, of 90, Cannon Street, in the City of London; Sir WILLIAM LAWRENCE, Knight, of 75, Lancaster Gate, in the County of Middlesex; BRODIE AUGUSTUS WILCOX, of 28, Portman Square, in the County of Middlesex; and BENJAMIN YOUNG, of the Town and County of Hertford. Petition.

SHEW,

1. That in March, 1885, a Scheme was published by the Charity Commissioners under the provisions of the above-mentioned Acts, and particularly of the Acts 32 and 33 Victoria, Chapter 56, and 36 and 37 Victoria, Chapter 87, for the administration of the Foundation of Christ's Hospital. On the 8th of March, 1886, the said Scheme was submitted to the Committee of Council on Education for approval, and on the 15th day of June, 1888, the Committee of Council on Education approved the said Scheme, and caused the Scheme so approved to be published.

Petition.

2. That it is provided by Section 39 of the Act of 1869, that any persons directly affected by a Scheme feeling aggrieved thereby on the ground

Subsection (2) of the Scheme not saving or making due compensation for his vested interest, as required by the Act, or Subsection (3) of the Scheme being one not within the scope of or made in conformity with the Act, may petition your Majesty in manner thereby provided.

3. That Section 13 of the said Act requires the Commissioners in any Scheme relating to any Endowed School to have regard to the rights of Patronage, which may be at the passing of that Act exercised by any Member of the Governing Body of such School, in consequence of any gift or donation made by him.

4. That your Petitioners are Members of the Governing Body of Christ's Hospital, and were each of them elected Governors of Christ's Hospital, prior to the passing of the said Act, in consequence of a donation made by him; and that they feel aggrieved by the said Scheme, on the grounds hereinafter appearing.

5. That the right which each of your Petitioners has hitherto enjoyed of presenting in rotation with other Governors' Children for admission to the Hospital, is by the said Scheme limited to the right of having one Child always on the Foundation, and that only provided the Donation Governors are not more than 300 in number.

6. That whilst the said Scheme purports to allot 150 places in the Boys' School to be competed for by Boys to be nominated by Donation Governors in the proportion of one place to every two Donation Governors (which, assuming the total number of Donation Governors to be 300, is equivalent to each Governor, including your Petitioners, having the right of nomination once in about every $3\frac{1}{2}$ years) your Petitioners respectfully submit that this right will in no way compensate them for the limitation on the rights of Presentation hitherto enjoyed by them, and for the following amongst other reasons:—

(*a*) Because, to secure the admission of a Child under the competitive system, the ability of the Child, and not the need of the parent, will necessarily have to be considered.

(*b*) Because your Petitioners, agreeing with the Schools Inquiry Commissioners in the opinion that no child under 13 years of age should be allowed to compete for examination for entrance into a School, admission to which is to be by competition, object to the proposal in the said Scheme under which the age for competing is to be from 10 to 13.

7. That the patronage which your Petitioners enjoyed at the passing of the Act of 1869 amounted to a Presentation for a Child once in about every 4 years, and in addition the expectation during Governorship of the right to present one girl or a Son of a Naval Officer to the said Hospital.

8. That the right to have one child on the Foundation under the provision of the Scheme will be about equivalent to a Presentation every sixth year only.

9. That a Presentation under the said Scheme is in no way an equivalent

of a Presentation under the existing Regulations of the Hospital, for the following reasons :— Petition.

(*a*) Because of the later age at which Children are to be admitted under Presentations under the present Scheme.

(*b*) Because of the provision in the said Scheme by which the Parents or next friends of Children admitted may be required to contribute yearly sums up to £20.

(*c*) Because, as nearly two-thirds of the Children composing the proposed Hospital Schools will enter by competition, and of this number more than one half will be picked children from other Endowed Schools, it will, as your Petitioners submit, naturally follow that Children admitted under presentations, will have much less chance than heretofore of winning exhibitions and prizes.

(*d*) Because, by the said Scheme it is provided that presentations made by Donation Governors are to be in the proportion of two boys to one girl ; whereas hitherto presentations of Governors have been almost exclusively of boys.

10. That in an earlier draft Scheme published by the Charity Commissioners in 1880, whilst it was proposed to appropriate 400 instead of 300 places in the Schools for Donation and Special Vote Governors, the new Council of Almoners was charged with the duty of issuing such Presentations in such a manner as to respect the rights of Patronage of your Petitioners.

11. Your Petitioners respectfully submit that the present Scheme of the Commissioners does not show due regard to the rights of your Petitioners, and is therefore not made in conformity with the said Act.

YOUR PETITIONERS therefore humbly pray that your Majesty in Council will be graciously pleased to withhold your approval from the said Scheme.

August, 1888.

Signed by the above-named Petitioners.

No. 2.—AFFIDAVIT OF M. S. S. DIPNALL, FILED ON BEHALF OF THE APPELLANTS, THE RIGHT HONOURABLE FREDERICK EARL BEAUCHAMP AND OTHERS. Affidavit of M. S. S. Dipnall.

I, MATTHIAS SIDNEY SMITH DIPNALL, of Christ's Hospital, Newgate Street, in the City of London, Chief Clerk, otherwise the Clerk of, and for upwards of 35 years, resident at, Christ Hospital, make Oath, and say as follows:—

1. I was brought up in the Hospital, and am 68 years of age, and have for nearly 54 years been in the service of the Governors of Christ's Hospital, and have occupied the above-mentioned appointment since the year 1864.

2. I have caused to be prepared from the Records of the Hospital a statement showing the date of election as Governors of Christ Hospital, of the gentlemen whose names appear on such statement, the amount of donation made by each such Governor, and the number of presentations or privileges of presenting children issued to each such Governor from the date of his election to the present time. The said statement now produced and shown to me and marked D (1) is a true and correct statement.

3. Every Donation, Nomination, and Special Vote Governor of Christ's Hospital has hitherto been entitled to the privilege of presenting in rotation with other Governors, children for admission to the Hospital, and, taking the average of 20 years next before the passing of the Act of 1869, it is a fact that every such Governor living throughout that period has enjoyed $5\frac{2}{9}$ presentations, which is equivalent to a presentation once in every $3\frac{1}{2}$ years. The paper writing now produced and shown to me marked D (2) is a true and correct statement of the presentations issued during the 20 years referred to above to the 49 Governors who are now living, and who were living in the year 1850.

4. It frequently happened, and still happens, in the ordinary course, that more than one boy is in the Hospital at the same time on the presentation of the same Governor. The paper writing now produced and shown to me marked D (3) correctly shows the actual stay in the Hospital of children presented by the Governors named therein.

5. The Governors maintain and educate in their establishment at Hertford about 90 girls, of whom about 24 are taken in under trusts, and the remainder (save at the present moment some 5 or 6) are presented by the Governors under a rota applying partly to the issue of presentations specially limited to girls, and partly to presentations specially limited to Naval Officers' Sons. No girls are maintained and educated in the Hospital's London Establishment. The total number of boys now on the books of the Hospital is 995. The right to present a girl has not hitherto been regarded as of the same value as the right to present a boy.

6. The number of Governors at present entitled to present children to the Hospital in consequence of their Donations is 259. According to the Draft Scheme, which provides that no Governor shall at any time have more than one child in the Hospital, each of such Governors would have the right of presentation accorded to him once in every 6 years only, as I estimate that every child presented would remain on the books of the Hospital on an average 6 years, the age of admission, according to the scheme, being from 10 to 11, and the usual age of leaving, 17.

7. The Draft Scheme provides that presentations to be made by Donation Governors shall be in the proportion of 2 boys to 1 girl. No such regulation has existed hitherto, and the presentations hitherto issued to Governors in the ordinary way have entitled such Governors to present boys.

Affidavit of M. S. S. Dipnall.

8. By the Draft Scheme for the Hospital, first published by the Charity Commissioners in 1880, 400 places were proposed to be assigned to children presented by Donation Governors and Governors by Special Vote (there being seven special vote Governors who were such in 1869), and there was a Clause (95) in the said Draft Scheme of 1880 which provided that in issuing presentations, the rights of patronage, which were on the 2nd of August, 1869, exercised by any Governor in consequence of any gift or donation, should, as far as possible, be respected. A true copy of the clauses in the said Draft Scheme of 1880 relating to this matter is now shown to me, and marked D (4).

Sworn at Christ's Hospital, Newgate Street, in the City of London, this 9th day of May, 1889, before me,
J. E. Cranston Leslie,
a Commissioner to Administer Oaths in the Supreme Court of Judicature in England.

M. S. S. Dipnall.

No. 3.

Table giving Names, Dates of Election, and amount of Donations of and number of Presentations issued to the Donation Governors prosecuting their Appeal.

Name.	Date of Election.	Amount of Donation	Presentations issued in													Totals.
		£							Naval							13
Wm. Banting, Esq.	1847	500	1847	1851	1855	1860	1864	1867	1869	1872	1876	1879	1882	1886	1889	
								Girl								9
Earl Beauchamp	1860	500	1861	1865	1869	1874	1877	1877	1881	1884	1887					
							Naval									9
Geo. Gilpin Brown, Esq.	1864	500	1864	1868	1873	1877	1878	1880	1883	1886	1889					
									Naval							13
Brodie Aug. Willcox, Esq.	1847	500	1847	1851	1855	1860	1864	1867	1869	1872	1876	1879	1882	1886	1889	
				Girl												11
John Peter Gassiot, Esq.	1855	500 and £105	1855 to Building	1855 Fund.	1860	1864	1868	1873	1876	1880	1883	1886	1889			
							Girl									9
Wm. Hine-Haycock, Esq.	1863	500	1863	1867	1872	1876	1878	1879	1882	1886	1889					
									Naval							12
Benjn. Young, Esq.	1851	500	1851	1855	1860	1864	1868	1873	1873	1876	1880	1883	1886	1889		
												Nav. Pr.				
Sir Jas. Clarke Lawrence, Bart., Ald.	1857	250	1858	Annual	Presentation as Alderman from 1861.							1875				
												Nav. Pr.				
Sir Wm. Lawrence, Knt., Ald. ...	1849	250	1849	1853	Annual	Presentation as Alderman from 1857.						1872				

Table giving Names, &c., of and Presentations issued to Donation Governors, being Exhibit D¹ to the affidavit of M. S. S. Dipnall.

No. 4.—Table showing the Patronage for the 20 years previous to the passing of the Endowed Governing Body

		1850	1851	1852	1853	1854	1855	1856	1857	1858
1	H.R.H. the Prince of Wales, K.G.	...	1	...	Special Naval.	...	1		...	...
2	H.R.H. the Duke of Edinburgh, K.G.	..	...	1	...	...	...		1	...
3	H.R.H. the Duke of Cambridge, K.G. (*quâ* Donation Governor)... ...	...	...	1	Special Girl's. 1	...	...		1	...
4	J. D Allcroft, Esq. (*qui* Donation Governor) ...	...	...	...	1	...	...		...	1
5	R. Benyon, Esq.	...	...	1	...	...	...		...	1
6	Wm. Brown, Esq. ...	...	...	...	1	...	...		...	1
7	Wm. Banting, Esq. ...	...	1	...	...	...	1		...	...
8	Rt. Hon. Lord Cheylesmore	1	...	...	...	1	...		...	...
9	B. Dobree, Esq.	...	...	Special Naval 1	1	...	...		...	1
10	Rt. Hon. Lord De Mauley	...	1	..	...	...	1		...	...
11	J. Deacon, Esq.	...	...	...	1	...	...		...	1
12	E. Falkener, Esq.	...	...	...	1	...	...		...	1
13	J. T. Fletcher, Esq... ...	...	...	Special Naval. 1	1	...	...		...	1
14	J. Fisher, Esq....	...	1	...	...	...	Special Girl's 1. 1		...	...
15	Sir G. Goldney, Bart. ...	1	...	...	...	1	...		...	...
16	T. Hankey, Esq.	...	...	...	1	...	...		...	1
17	G. Hankey, Esq.	...	...	...	1	...	Special Naval. 1		...	1
18	Rev. C. B. Hue	1	...	...	...	1	...		...	...
19	Rev. V. G. Hine	1	...	...	1	...	...		...	1
20	B. Hankey, Esq.	1	...	...	...	1	...		...	...
21	C. Inglis, Esq., M.D. ...	1	...	...	Special Girl's. 1	1	...		...	...
22	H. Lainson, Esq.	...	...	Special Naval 1. 1	...	...	...		1	...
23	L. Loyd, Esq....	...	...	1	...	...	...		1	...
24	H. Latham, Esq.	...	1	...	...	...	1		...	...
25	F. H. Mitchell, Esq. ...	...	1	...	...	...	1		...	...
26	Rev. Sir E. G. Moon, Bart.	...	...	...	1	...	...		...	1
27	James Nicholson, Esq. ...	...	1	...	...	...	1		...	...
28	The Hon & Rt. Rev. the Lord Bishop of Norwich	...	...	...	1	...	...		...	1

N.B.—The usual issue of Presentations to Governors next in turn was specially suspended this year.

Schools Act, 1869, of all Donation Governors now living who were members of the in 1850.

Table of Patronage, being Exhibit D² to affidavit of M. S. S. Dipnall.

1859	1860	1861	1862	1863	1864	1865	1866	1867	1868	1869	Total.
...	1	...	...	1	...	...	...	1	...	...	6
...	...	1	...	...	...	1	...	...	...	1	5
...	...	1	...	...	...	1	.	...	...	1	6
...	...	...	1	...	...	...	1	...	...	...	4
...	...	1	...	...	...	...	1	...	...	1	5
Special Naval 1	...	1	...	...	...	1	...	...	...	1	6
...	1	...	...	...	1	.	...	1	...	Special Naval 1	6
1	Special Naval 1	...	1	...	...	...	1	...	...	...	6
...	...	...	1	...	...	...	1	...	...	...	5
...	1	...	...	1	...	...	Special Naval. 1	1	...	...	6
...	...	...	1	...	...	...	1	...	...	...	4
...	...	...	1	...	...	...	1	...	...	...	4
...	...	...	1	...	...	...	1	...	...	...	5
...	1	...	...	1	...	...	...	1	...	...	6
1	...	...	1	...	...	...	1	...	...	...	5
...	...	Special Naval. 1	1	...	...	...	1	...	...	...	6
1	...	...	1	...	...	...	1	Special Naval. 1	...	...	6
1	...	...	1	...	...	...	1	...	...	...	6
...	...	1	...	...	...	1	...	...	...	1	6
..	...	1	...	...	...	1	...	Special Naval. 1	...	1	6
...	1	...	...	...	1	...	...	1	Special Naval. 1	...	6
...	1	...	...	...	1	...	...	...	1	...	5
...	...	1	...	...	...	1	...	...	Special Naval 1	1	6
...	1	...	...	...	1	...	...	1	Special Naval. 1	...	6
...	...	...	1	...	...	...	1	...	...	...	4
										Over	150

		1850	1851	1852	1853	1854	1855	1856	1857	1858
29	Rev. Samuel Paynter ...	...	...	1	...	...	...		1	...
30	Arthur Powell, Esq. ..	1	...		...	1			...	...
31	Wm. Peters, Esq.	...	...	1	...	...	..		1	...
32	E. S. Prior, Esq.	1	...	...	...	1	..		...	...
33	John Ruskin, Esq.	...	1	...	...	Special Naval 1. 1	...		...	...
34	Wm. E. Rowed, Esq. ...	...	...	...	1	Special Naval. 1	...		...	1
35	His Graee the Duke of Richmond and Gordon, K.G.	...	1	...	...	...	1		...	...
36	George Seeley, Esq. ...	...	...	1	...	...	...		1	Special Naval. 1
37	Rev. E. Stansfeld	1	...	...	...	1	...		...	...
38	J. W. Sparrow, Esq. ...	1	...	Special Naval. 1	...	1	...		...	...
39	Rev. C. J. Sale	...	1	...	...	...	1		...	...
40	Major A. M. Storer... ...	...	1	...	...	...	1		...	...
41	Rt.Hon. Lord Tweedmouth	...	...	...	Special Girl. 1	...	...		...	1
42	W. J. Thompson, Esq. ...	...	...	...	1	...	...		...	1
43	G. Tonge, Esq.	1	...	...	...	1	...		...	...
44	Rev. H. G. Watkins ...	1	...	...	...	1	...		...	...
45	H. Weatherley, Esq. ...	...	1	...	...	...	Special Girl 1. 1		...	...
46	Rev. B. E. Watkins ...	...	1	...	...	...	1		...	...
47	B. A. Willcox, Esq. ...	...	1	...	...	...	1		...	...
48	J. R. Wigram, Esq. ...	...	...	...	1	...	...		...	1
49	C. H. Wigram...	1	...	...	...	Special Girl 1 1	...		...	...

N.B.—The usual issue of Presentations to Governors next in turn was specially suspended this year.

* Ald. Sir Wm. Lawrence, Knt.	1849 — 1	1853 — 1
* Ald. Sir J. C. Lawrence, Knt.	1858 — 1	

* These two Governors having been elected Aldermen and so made Corporation or Ex-Officio Governors, have since 1851 and 1859 respectively received Annual Presentations as Aldermen, and their privileges as Donation Governors have been considered as merged therein.

In the event of these Gentlemen retiring from the Court of Aldermen they would still remain Governors of the Hospital, and would be entitled to receive Presentations again on the same footing as other Donation Governors.

Table of Patronage, being Exhibit D² to affidavit of M. S. S. Dipnall.

1859	1860	1861	1862	1863	1864	1865	1866	1867	1868	1869	Total.
									Brought over...		150
...	...	1	...	...	...	1	...	...	...	1	5
1	...	...	...	1	...	...	...	1	...	...	5
...	...	1	...	...	...	1	...	...	...	1	5
1	...	...	...	1	...	...	...	1	...	...	5
1	...	...	...	1	...	...	...	1	...	...	6
...	...	1	...	...	...	1	...	...	...	1	6
...	1	...	...	...	1	...	...	...	1	Special Naval. 1	6
...	...	1	...	...	...	1	...	...	...	1	6
cial Naval. 1	...	...	1	...	...	...	1	...	...	...	6
1	...	...	1	...	...	...	1	...	...	...	6
...	1	...	...	...	1	...	...	1	Special Naval. 1	...	6
...	1	...	...	...	1	...	...	...	1	Special Naval. 1	6
...	...	...	1	...	...	1	...	...	...	...	5
...	...	...	1	...	...	...	1	...	...	...	4
1	...	...	...	1	Special Naval. 1	...	...	1	...	...	6
1	...	...	...	1	...	...	...	1	...	...	5
1	...	...	...	1	...	...	...	1	...	...	6
...	1	...	...	1	...	..	...	Special Naval 1. 1	...	...	6
...	1	...	...	...	1	...	...	1	...	Special Naval. 1	6
...	...	...	1	...	Special Naval. 1	...	1	...	...	...	5
1	...	...	...	1	...	...	...	1	...	...	6
											267

267 Presentations in 20 years to 49 Governors.
$= 5\frac{22}{49}$ Presentations (say $5\frac{1}{2}$) to each Governor.
$= 1$ Presentation in $3\frac{1}{2}$ years on the average.

No. 5.

TABLE

Showing actual stay in Christ's Hospital of Children presented by Governors who are prosecuting their Appeal against the Scheme.

Table showing stay of children in the Hospital, being Exhibit D° to the affidavit of W. S. S. Dipnall

	1847	1848	1849	1850	1851	1852	1853	1854	1855	1856	1857	1858	1859	1860	1861	1862	1863	1864	1865	1866	1867	1868	1869	1870	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880	1881	1882	1883	1884	1885	1886	1887	1888	1889
Wm Banting, Esq	April				July			July		April		Nov.		June			Nov.	April	Dec.			May	July						July			June										
Brodie A Willcox, Esq.		May			May				Dec. Oct. May					May		June		April	Dec.		Feb.			Dec.			Dec.	[Naval] Nov.			June												
Earl Beauchamp															April				Oct.	March				May				July Sept.			Dec.	Dec. Feb. [Girl]										
Geo Gilpin Brown, Esq.																		June				Sept.		April			Sept.		March															
John Peter Gassiot, Esq.									Sept July			[Girl]		June	August		July			August										July July													
Wm. Hine Haycock, Esq																		Sept.				April			July		May to Dec.			April Sept													
Benjamin Young, Esq.					May				June		Nov.			April	May			June			May	March			Dec.		May	March May			May	[Naval]										

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No. 6.—EXTRACTS FROM CLAUSES 93 AND 95 OF DRAFT SCHEME, PUBLISHED BY CHARITY COMMISSIONERS IN 1880.

Extracts from Draft Scheme of 1880, being Exhibit D 1 to the affidavit of M. S. S. Dipnall.

Distribution of presentations.

93. The subsisting rights of Her Majesty in respect of any patronage or presentation shall remain unaffected by this Scheme. Subject thereto and to the saving herein-before contained of the rights of boys and girls who were on the day of publication of this Scheme on the Foundation, and to the provisions herein-after contained, the 400 places in the Lower School for boys and the 200 places in the Lower School for girls shall, from and after the date of this Scheme, be distributed as follows, that is to say, there shall be allotted to poor children to be presented by the under-mentioned persons and bodies the number of places in the said Schools respectively set opposite to the names of such persons and bodies respectively in the following table:—

Children to be presented by	Boys' School.	Girls' School.
Donation Governors and Governors by Special Vote - -	270	130

Provided always, that subject to the exercise of the said subsisting rights of Her Majesty (for which not more than six places in all will be required), two of the twelve places allotted in the above table to provide in the first instance for such rights, and remaining vacant after the exercise thereof, shall be filled by presentations to be made by the Council of Almoners in execution of the trusts of the will of Thomas Lockington, dated the 18th day of April, 1716, for taking into the hospital two poor children of his relations, and for want of such then two of his surname, and for want of such, then two poor children of freemen inhabiting within the parish of St. Mary Magdalen, Old Fish Street, to be bred up there until they should attain the age of fifteen years, which said trusts shall continue in force until the 1st day of January 1900 and then be determined, and the endowment for the said purposes given by the said will shall then be subject to the general provisions of this Scheme. The remaining four of the said twelve places remaining vacant as aforesaid, shall be allotted as follows:—one to poor children to be presented in respect of John Lock's Trust, by electors for St. Martin, Ludgate, St. Michael, Bassishaw, and St. John, Walbrook respectively, such bodies presenting in rotation as the Council of Almoners shall direct; one to poor children to be presented in respect of Christopher Clarke's Trust, by electors for St. Luke, Old Street, and Whitechapel respectively, such bodies presenting alternately as the Council of Almoners shall direct; one to poor children to be presented in respect of Sir George Fettiplace's Trust, by electors for Swinbrook, in the county of Oxon; and one to poor children to be presented in respect of Daniel Westall's Trust by the Court of Assistants of the Mercers' Company.

Provided also, that the trusts annexed to the educational endowment founded by Thomas Stallard Penoyre, settled by the Scheme relating thereto, confirmed by an Order of the High Court of Chancery, dated the 22nd day of February 1844, shall remain subject to the provisions of that Scheme and Order until the expiration thereof on the 1st day of January 1884, when such endowment shall fall into and form part of the General Fund and be subject to the general provisions of this Scheme.

Provided also, that the Charity Commissioners may make Orders from time to time upon such application made to them for the purpose as they may

Extracts from Draft Scheme of 1889, being Exhibit D[4] to the affidavit of M. S. S. Dipnall.

think sufficient for regulating the number of places to be allotted to all or any of the above-mentioned special Trusts in proportion as nearly as may be to the income for the time being derived from endowments originally made applicable exclusively to such Trusts respectively.

Provided also that if the income of the General Fund, apart from income of endowments originally made applicable exclusively to special Trusts, shall at any time be found inadequate to provide for all the purposes of this Scheme, not provided for by the said endowments or chargeable on any other Fund, then and in every such case the Council of Almoners may diminish rateably the number of places allotted to the Aldermen, the Common Council Governors, and the Donation Governors and Governors by Special Vote respectively.

Provided lastly, that every Donation Governor and Governor by Special Vote shall, immediately on his election, be entitled to present a boy or girl, as he may think fit; but if the admission of such boy or girl shall increase the number of boys or girls for the time being in either School admitted on presentation by such Governors beyond the normal number for such School of boys or girls so admitted, no further presentations shall be made to such School by Donation Governors or Governors by Special Vote (except under this proviso), until the excess of number shall have been abated.

Save as in this clause before provided no claim shall be made against the Foundation, or any of the endowments thereof, or otherwise, in respect of any of the Trusts in this clause particularly mentioned. And no claim shall be made against the Foundation, or any of the endowments thereof, or otherwise, in respect of any of the Trusts of which short particulars, with the names of their respective founders and dates of foundation, are set forth in Schedule E. hereto.

Issue of presentations and regard for vested interests of patrons.

95. As vacancies occur in the Lower Schools presentations for filling them up shall be issued to the persons or bodies entitled to present to the places vacated according to the above table in such manner and at such times as the Council of Almoners shall from time to time direct. Provided that in issuing such presentations the Council of Almoners shall, as far as possible, respect the rights of patronage which were, on the 2nd day of August 1869, exercised by any Governor in consequence of any gift or donation made by him.

In the Privy Council.

IN THE MATTER OF the Foundation known as the Hospital of Edward late King of England the Sixth of Christ commonly called CHRIST'S HOSPITAL

AND

IN THE MATTER OF THE ENDOWED SCHOOLS' ACT 1869 and amending Acts

AND

IN THE MATTER OF a SCHEME made by the Charity Commissioners under the said Acts intituled "A Scheme for the Administration of the above mentioned Foundation."

THE CASE

OF

THE MAYOR AND COMMONALTY AND CITIZENS OF THE CITY OF LONDON

Governors of the possessions revenues and goods of the Hospitals of Edward the sixth King of England of Christ Bridewell and St. Thomas the Apostle and of each of them the Lord Mayor the Aldermen and the twelve Common Councilmen of the City of London who under and by virtue of the Act of Parliament 22 George III. Chapter 77 are Members of the acting Governing Body of the above mentioned Foundation, individually.

This is a Petition by way of Appeal to Her Majesty in Council praying Her Majesty to withold Her approval from a Scheme for the administration of the above mentioned Foundation which Scheme was in March 1886 submitted to the Committee of Council on Education for approval and on the 16th day of June 1888 was approved by them and as approved was published.

Appendix C, No. 1, p. 7.

Case of the Mayor, &c., of London.

In the year 1880 the Charity Commissioners prepared and published a Draft Scheme for the administration of the said Foundation but such Scheme was ultimately withdrawn by them. Extracts from such Scheme are set out in Appendix C.

Appendix C, No. 2, p. 13.

Appendix A, vol. 1, p. 1.

In the month of March 1885 the Charity Commissioners prepared a second draft Scheme against which certain objections were lodged on the part of the Corporation of London as appears by the correspondence set out in Appendix C. This Scheme was amended and as amended is the Scheme from which your Petitioners are appealing.

pendix C, No. 3, p. 20.

The above mentioned Hospital of Edward VI. King of England (hereinafter called Christ's Hospital) was not founded as or intended for a School but as and for a Hospital or Poor House for the reception support and treatment of the poor sick and destitute of both sexes and of all ages in the City of London and the suburbs of the same.

Christ's Hospital was founded by Kings Henry VIII. and Edward VI. its early history being shortly as follows:—Upon the dissolution of the Monasteries the poor sick and destitute people who had previously been relieved and cared for in those establishments in or near the City of London were reduced to great misery and distress and were found lying about and begging in the streets and in the suburbs of the City in such a manner as to cause fear of a pestilence.

The Corporation of the City of London consequently petitioned King Henry VIII. on the subject and by an Indenture dated 27th December 1546 and made between that King and the Corporation the King "considering the "miserable Estate of the poore aged sick low and impotent people as well "men as women lying and going about begging in the common streets of the "said City of London and the suburbs of the same to the great paine and "sorrowe of the same poor aged sick and impotent people and to the great "infection hurt and annoyance of his Grace's loving subjects" agreed to grant to the Corporation certain hereditaments comprising amongst others the property then late of the Grey Friars in London (upon which Christ's Hospital was subsequently erected) and the then late Hospital of St. Bartholomew in consideration whereof the Corporation covenanted that they would provide lodging food and clothing for 100 poor men and women to be taken from "such poor sick aged and impotent people as should be found going "abroad in the City of London and the suburbs of the same not having "wherewith to be sustained."

Appendix A, vol. 1, p. 37.

King Henry VIII. in the year 1547 by his Letters Patent granted the said hereditaments to the Corporation and the Corporation at once proceeded to fulfil the obligations imposed on them by the said Indenture. Appendix A, vol. 1, p. 46.

Christ's Hospital was shortly afterwards erected mainly at the expense of the Citizens of the City of London. In the Indenture and Letters Patent of King Edward VI. hereinafter mentioned both Christ's Hospital and St. Bartholomew's Hospital are referred to as newly erected Hospitals in which the poor were kept by the Corporation.

By an Indenture dated 12th June 1553 and made between King Edward VI. and the Corporation the King in consideration of the great charges which the Corporation should sustain and bear yearly and for their godly acts in making provision for the poor as therein mentioned agreed to make the grants contained in his Letters Patent hereinafter mentioned. Appendix A, vol. 1, p. 64.

By such Letters Patent dated 26th June 1553 King Edward VI. through pity for "the miserable Estate of the poor fatherless decrepit aged sick infirm "and impotent persons languishing under various kinds of diseases and also "considering the honest pious endeavours of the Mayor and Commonalty and "Citizens of the City of London who by all ways and methods diligently "study for the good provision of the poor and of every sort of them and that "by such reason and care neither Children yet being in their infancy shall "lack good education and instruction nor when they shall obtain riper years "shall be destitute of honest callings and occupations whereby they may "honestly exercise themselves in some good faculty and science for the "advantage and utility of the Commonwealth nor that the sick or diseased "when they shall be recovered and restored to health may remain idle and "lazy vagabonds of the State but that they in like manner may be placed and "compelled to labor and honest and wholesome employments" granted unto and to the use of the Mayor and Commonalty and Citizens of the City of London and their successors for ever in free socage a certain Manor messuages hereditaments rents advowsons rights and other things therein mentioned for the progress amplification and increase of the said work. And the King thereby ordained that the Hospitals to which the said Letters Patent related (and which included Christ's Hospital) when they should be founded erected and established should be named and called the Hospitals of Edward the Sixth Appendix A, vol. 1, p. 69.

King of England of Christ Bridewell and St. Thomas the Apostle and that the aforesaid Mayor and Commonalty and Citizens of the City of London aforesaid and their successors should be named and called Governors of the said Hospitals and of the possessions revenues and goods thereof and that the same Governors should be thereafter in deed fact and name one Body Corporate and Politic of themselves for ever by the name of the Governors of the possessions revenues and goods of the Hospitals of Edward the Sixth King of England of Christ Bridewell and St. Thomas the Apostle incorporated and erected and the King thereby incorporated them and thereby created and constituted them a Body Corporate and Politic by the same name to continue for ever. And by the same Letters Patent the King willed that the same Governors might have perpetual succession and a Common Seal and be persons capable in the Law to have and receive and hold to them and their successors for ever any lands tenements rents reversions hereditaments goods and chattels and that the same Governors by the name aforesaid might plead defend or answer in any Courts or places whatsoever and before any Judges whomsoever in any causes actions suits and demands touching or concerning the premises. The said Letters Patent further gave power to the said Governors to make ordinances statutes and rules for the right government of the poor in the said Hospitals and to appoint and ordain Officers Ministers or Governors under them in the said Hospitals who might provide for take care of and govern the poor therein.

The Corporation thinking it desirable to collect all the infant poor in one of the said Hospitals selected Christ's Hospital for that purpose. No children have received education in Christ's Hospital except those who have from time to time been lodged fed clothed and medically attended in and by the Foundation and to whom the Hospital has in reality been a home.

The Mayor and Commonalty and Citizens of the City of London in pursuance of the Letters Patent of King Edward the VI. took upon themselves the management and government of the three Hospitals and carried them on as one entire Corporation and made orders and regulations for the conduct and management of the same.

At a General Court holden at Christ's Hospital on the 27th September 1557 by the Governors of the three Hospitals and also of St. Bartholomew's Hospital (which had been vested in the Mayor and Commonalty and Citizens of

the City of London as Governors thereof by Letters Patent dated 13th January 1547 in the 38th year of King Henry VIII.) it was ordered and agreed that St. Bartholomew's Hospital should be united to and be made one body with the rest of the said Hospitals and acting Governors were appointed for each of the four Hospitals.

The acting Governing Body of each of the four hospitals was chosen at Christ's Hospital at first annually and afterwards at irregular intervals.

It has been the practice from very early times in all the said Hospitals for the acting Governing Bodies to elect persons as additional Governors in consequence of donations given by them and occasionally on other special grounds. These persons respectively are known as "Donation Governors" and "Governors elected by Special Vote."

In the course of time the acting governing body of each of the said Hospitals was enlarged by the election as Governors of benefactors and others and disputes having arisen between the Corporation and the said acting Governors respectively as to their respective rights powers and privileges respecting the government of the hospitals these disputes were settled and adjusted by an Agreement in writing dated the 12th day of June 1782 and made between the Corporation of the one part and the said acting Governors of the other part.

Appendix A, vol. 1, p. 178.

By this Agreement it was agreed and declared *inter aliâ* that the Governors of the said several Hospitals of St. Bartholomew Bethelem Christ Bridewell and St. Thomas the Apostle named in certain lists therein mentioned and also those Governors who had been elected since the delivery of such lists together with the Lord Mayor and Aldermen of the City of London and also the members of the Court of Common Council to be nominated and appointed as thereinafter was mentioned for the time being should be established and confirmed Governors of such of the aforesaid hospitals respectively of which they had been elected Governors previously to the delivery of such lists as aforesaid or in future should be elected Governors with the full rights and powers therein referred to in the governing management and disposition of the business of the said hospitals and of the real estates and possessions rents and revenues goods and chattels thereof And that the Governors already elected and to be thereafter elected as therein mentioned Together with the Lord

Case of the Mayor, &c., of London.

Mayor and Aldermen of the City of London and the Members of the said Court of Common Council for the time being to be appointed as thereinafter mentioned should have the right power and authority at all times thereafter to appoint officers as therein mentioned and do all other acts therein referred to for the good government and conduct of the said Hospitals and the estates thereof.

And further that it might be lawful for the Lord Mayor Aldermen and other Governors of the said Hospitals of Christ Bridewell and St. Thomas the Apostle respectively acting as Governors thereof on all occasions and for the purpose of prosecuting or defending actions or other proceedings to use the style or title of the Mayor and Commonalty and Citizens of the City of London as Governors of the possessions revenues and goods of Hospitals of Edward late King of England the VI. of Christ Bridewell and St. Thomas the Apostle.

And the said Agreement further provided for the appointment by the Court of Common Council of 48 persons being members of the said Court of whom the names of 12 were to be sent to Christ's Hospital to be Governors thereof and for the filling up of vacancies from time to time.

Appendix A, vol. 1, p. 177.

By an Act of Parliament passed in the 22nd year of King George III. Cap. 77 intituled "An Act to render valid and effectual certain Articles of Agreement between the Mayor and Commonalty and Citizens of the City of London Governors of the possessions revenues and goods of the Hospitals of Edward King of England the Sixth of Christ Bridewell and St. Thomas the Apostle and of the Hospitals of Henry the Eighth King of England called 'The House of the Poor' in West Smithfield near London and of the House and Hospital called Bethelem and the Presidents Treasurers and acting Governors of the said several Hospitals" the said Articles of Agreement were ratified and confirmed.

The Estates and property of the Foundation still remain vested in the Corporation and they have the right of holding and hold such endowments.

Act of 1869. Sec. 8 (4).

The said Scheme deals with endowments the income of which may in the discretion of the governing body be wholly applied to other than educational purposes. Particulars of such endowments will be found in Appendix A, vol. 2.

Case of the Mayor, &c., of London.

The said Scheme deals without the assent of the governing body with endowments and parts of endowments which have been applicable and applied for the purpose of providing lodging food clothing and medical attendance for children in the Hospital and otherwise for non-educational purposes as educational endowments. Particulars of such endowments and parts of endowments will be found in Appendix A, vol. 2.

Act of 1869. Sect. 24 (1). ,, 29.

The proportion of the endowments of the Foundation which are applicable to charitable uses other than those which are educational exceeds one half of the endowments.

Act of 1869. Sect. 24 (3).

The said Scheme contains provisions enabling Scholars to claim exemption from attending prayers or religious worship or from any lesson or series of lessons on religious subjects notwithstanding that they are being lodged fed clothed and medically attended as well as educated by the Foundation.

Act of 1869. Sect. 16.

The parishes mentioned in Clause 102 of the said Scheme are areas the inhabitants of which are entitled by virtue of divers Wills and documents to special privileges or educational advantages in the Hospital. Such Wills and documents so far as necesssary are set out in Appendix C.

Act of 1869. Sect. 11.

Appendix C, No. 4, p. 31.

The rights of patronage which at the time of and long previously to the passing of the Endowed Schools Act 1869 were and are still exercised by the Members of the Governing Body who represented and represent the Corporation of the City of London were and are as follows :—

The Lord Mayor one presentation in right of his Office and one annual presentation as an Alderman.

The Aldermen one annual presentation each in right of their Office.

The twelve elected Common Councilmen one presentation each on or soon after election and (in rotation) about two presentations each in every 7 years afterwards and as vacancies occur one special presentation each for a Naval Officer's son or one specially limited to a girl. One such special right of presentation may be reasonably expected by each such Common Councilman during his tenure of office.

Case of the Mayor, &c., of London.

The rights of patronage so exercised by such members of the Governing Body as aforesaid were and are exercised by them as representatives for the time being of the Corporation and in consequence of gifts and donations made from time to time to the Foundation by the Corporation; by members of the Corporation; and by assessments upon citizens and inhabitants of the City. Such gifts and donations have extended over a long period of years and have been of great value. Particulars of some of such gifts and donations are set out in Appendix C.

Appendix C, No. 6, p. 52.

Under the Scheme of 1880 it was proposed to give to the Members of the Governing Body rights of patronage as follows—

The Lord Mayor four presentations (2 boys and 2 girls).

The Aldermen fifty presentations (34 boys and 16 girls).

The twelve elected Common Councilmen twelve presentations (8 boys and 4 girls).

Clause 89.

By the present Scheme it is proposed to give to the Lord Mayor one presentation (one boy or one girl as the Council of Almoners shall from time to time determine) and to take away from the Aldermen and said Common Councilmen all rights of patronage.

The number of poor destitute children in London and its suburbs is so great that no difficulty can arise in finding in that area and in that class of life a far larger number of proper objects for admission to the full benefit of the Foundation than the Funds of the Hospital can or are likely to be able to provide for.

The Appellants humbly submit that the approval of Her Majesty to the said Scheme either in whole or in part should be withheld for the following amongst other

REASONS.

Act of 1869, Sect. 5.

1. Because the Foundation is not a School and the endowments thereof have not been made applicable or been applied for the purposes of education at School of boys or girls.

2. Because it deals with endowments the income of which may in the discretion of the Governing Body be wholly applied to other than educational purposes. Case of the Mayor, &c., of London. Sect. 8 (4).

3. Because it deals without the assent of the Governing Body with endowments and parts of endowments which have been applicable and applied for the purpose of providing lodging food clothing and medical attendance for children in the Hospital and otherwise for non-educational purposes as educational endowments. Sect. 24 (1). Sect. 29.

4. Because it abolishes the present Governing Body notwithstanding that the proportion of the endowments of the Foundation which are applicable to charitable uses other than those which are educational exceeds one half of such endowments. Sect. 24 (3)

5. Because it contains provisions with respect to religious education which are not in conformity with the express terms or meaning and intention of the Endowed Schools Acts. Sec. 16.

6. Because it has not due regard to the educational interests of the destitute poor. Sect. 11 & (36 & 37 Vic. c. 87). Sect. 5.

7. Because it has not due regard to the educational interests of the destitute poor of the City of London and its suburbs or of the several parishes mentioned in the 102nd clause of the said Scheme. Sect. 11.

8. Because it has not due regard to the rights of patronage which at the passing of the Endowed Schools Act 1869 were and have ever since been exercised by the Members of the Governing Body who represented and still represent the Corporation of the City of London and which rights were so exercised in consequence of gifts and donations made from time to time to the Foundation by the said Corporation. Sect. 13.

A. T. WATSON.

HENRY J. TWEEDY.

In the Privy Council.

IN THE MATTER OF CHRIST'S HOSPITAL

AND

IN THE MATTER OF THE ENDOWED SCHOOLS' ACT 1869 and amending Acts

AND

IN THE MATTER OF a SCHEME made by the Charity Commissioners under the said Acts intituled "A Scheme for the Administration of the above mentioned Foundation."

CASE OF THE APPELLANTS,

THE MAYOR, &c., OF LONDON.

THE CITY SOLICITOR,
Guildhall.

Printed by D. Wood & Son, No. 16, Basinghall Street, E.C.

In the Privy Council.

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JOINT APPENDIX C

OF

THE APPELLANTS, THE MAYOR & COMMONALTY & CITIZENS OF THE CITY OF LONDON.

THE CITY SOLICITOR,
Guildhall.

FARRER & COMPANY,
66, Lincoln's Inn Fields.

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In the Privy Council.

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IN THE MATTER OF a SCHEME made by the Charity Commissioners under the said Acts intituled a "Scheme for the Administration of the above mentioned Foundation."

To THE QUEEN'S MOST EXCELLENT MAJESTY in Council.

THE HUMBLE PETITION of the Mayor and Commonalty and Citizens of the City of London Governors of the Possessions Revenues and Goods of the Hospitals of Edward the Sixth King of England of Christ Bridewell and St. Thomas the Apostle and of each of them the Lord Mayor the Aldermen and the twelve Common Councilmen of the City of London, who under and by virtue of the Act of Parliament 22 George III. Chapter 77 are Members of the acting Governing Body of the above mentioned Foundation, individually.

SHEWETH as follows—

1. Your Petitioners the Mayor and Commonalty and Citizens of the City of London Governors of the possessions revenues and goods of the Hospitals of Edward the Sixth King of England of Christ Bridewell and St. Thomas the Apostle have the right of holding, and hold, all the endowments property and estates of the above mentioned Foundation.

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No. 1.
Petition of Appeal.

2. The names addresses and occupations of your Petitioners the Lord Mayor the Aldermen and the twelve Common Councilmen of the City of London who hereby petition individually are as follows (that is to say)—

The Rt. Hon. Polydore de Keyser, Mansion House.	Lord Mayor.
Sir Wm. Lawrence, Knt., 61, Bread Street, and 75, Lancaster Gate, Hyde Park.	Alderman of the Ward of Bread Street.
Sir Thomas Gabriel, Bart., Commercial Road, Lambeth, and Edgecombe Hall, Wimbledon.	Alderman of the Ward of Vintry.
Sir James Clarke Lawrence, Bart., 90, Cannon Street, and 1, Hyde Park Gardens.	Alderman of the Ward of Walbrook.
Sir Thomas Dakin, Knt., 3, Cree Church Lane, Leadenhall Street, and 18, Wetherby Gardens, S.W.	Alderman of the Ward of Candlewick.
Sir Andrew Lusk, Bart., 62, Fenchurch Street, and 15, Sussex Square, Hyde Park.	Alderman of the Ward of Aldgate.
David Henry Stone, Esq., Treasurer's Office, St. Thomas' Hospital, S.E., and Castleham, Hollington, Hastings.	Alderman of the Ward of Bassishaw.
Wm. J. Richmond Cotton, Esq., 27, St. Mary Axe, and Woodside, Whetstone, Middlesex.	Alderman of the Ward of Bridge Without
Sir T. Scambler Owden, Kt., F.R.G.S., Mulgrave House, Sutton, Surrey.	Alderman of the Ward of Bishopsgate.
Sir Francis Wyatt Truscott, Knt., 103, Victoria Street, S.W., and Oakleigh, East Grinstead, Sussex.	Alderman of the Ward of Dowgate.
Sir J. Whittaker Ellis, Bart., M.P., 18, Old Broad Street, and Buccleuch House, Richmond.	Alderman of the Ward of Broad Street.
Sir Henry Edmund Knight, Knt., 101, Cheapside, and 6, Stratford Place.	Alderman of the Ward of Cripplegate.
Sir Robt. Nicholas Fowler, Bart., M.P., 50, Cornhill, and 137, Harley Street.	Alderman of the Ward of Cornhill.
Sir Reginald Hanson, Bart., M.A., LL.D., F.S.A., 47, Botolph Lane, and 4, Bryanston Square.	Alderman of the Ward of Billingsgate.

James Whitehead, Esq., Highfield House, Catford Bridge.	Alderman of the Ward of Cheap.
Sir Henry Aaron Isaacs, Knt., Monument Yard and 27, Belsize Park.	Alderman of the Ward of Portsoken.
Joseph Savory, Esq., 11 & 12, Cornhill, and Buckhurst Park, Sunninghill, Berks.	Alderman of the Ward of Langbourn.
Edward James Gray, Esq., 37A, Mincing Lane, and The Hermitage, Snaresbrook, Essex.	Alderman of the Ward of Tower.
David Evans, Esq., 24, 25 & 26, Watling Street, and Ewell Grove, Surrey.	Alderman of the Ward of Castle Baynard.
Lieut.-Col. Phineas Cowan, 7, Mincing Lane, and 15, Lancaster Gate.	Alderman of the Ward of Cordwainer.
Stuart Knill, Esq., 1, Adelaide Buildings, London Bridge, and The Crosslets in the Grove, Blackheath.	Alderman of the Ward of Bridge.
George Robert Tyler, Esq., 17, Queenhithe, and 17, Penywern Road, Earls Court.	Alderman of the Ward of Queenhithe.
James Ebenezer Saunders, Esq., F.S.A., 9, Finsbury Circus, and Chelvistone, Lee Terrace, Blackheath.	Alderman of the Ward of Coleman Street.
Joseph Renals, Esq., 8, Falcon Street, and 77, Highbury New Park, N.	Alderman of the Ward of Aldersgate.
Colonel Walter Henry Wilkin, 23, St. Mary Axe, and 5, Russell Square.	Alderman of the Ward of Lime Street.
George Faudel Phillips, Esq., 40, Newgate Street, and Ball's Park, Hertford.	Alderman of the Ward of Farringdon Within
Thomas Webber, Esq., 82 & 83, Lombard Street.	Deputy of the Ward of Langbourn.
Sir John Bennett, Knt., 64 & 65, Cheapside, E.C.	Knight.
Joseph Gosling Arnold, Esq., 38, King William Street.	Deputy of the Ward of Bridge.
George Walter, Esq., 122, Fleet Street, E.C. ...	Deputy of the Ward of Farringdon Without.

George Fisher, Esq., 150, Leadenhall Street ...	Deputy of the Ward of Lime Street.
John King Farlow, Esq., 118, Cannon Street ...	Deputy of the Ward of Candlewick.
Thomas White, Esq., 12, Dowgate Hill	Deputy of the Ward of Dowgate.
Robert Stapleton, Esq., 62, Bishopsgate Street Without.	Deputy of the Ward of Bishopsgate.
Mr. Francis Farnan, jun., 9, Mincing Lane ...	Merchant.
Mr. Frank Green, 193, Upper Thames Street ...	Merchant.
George Pepler, Esq., 1, Noble Street	Deputy of the Ward of Aldersgate.
James Harvey, Esq., 57, Red Cross Street ...	Deputy of the Ward of Cripplegate Without.

3. The Charity Commissioners for England and Wales acting under the authority of the above mentioned Acts in March One thousand eight hundred and eighty-five published a draft Scheme for the administration of the above mentioned Foundation and the endowments thereof other than certain endowments specially excepted from the said Scheme and set forth in Schedules A and B thereto. The said Scheme was amended and as amended was in March One thousand eight hundred and eighty-six submitted to the Committee of Council on Education for approval and they on the sixteenth day of June One thousand eight hundred and eighty-eight approved thereof and caused the same so approved to be published.

4. Your Petitioners feel aggrieved by the said Scheme on the ground that the said Scheme is not within the scope of or made in conformity with the said Endowed Schools' Acts in the following, amongst other, respects:—

That is to say—

A.—It purports to include and to deal with endowments which being non-educational endowments are applicable or applied to other charitable uses and which endowments under no circumstances can be diverted by the said Scheme from such uses.

B.—It purports to deal with endowments for teaching particular professions which by the said Act of 1869 are exempted from the powers of the Charity Commissioners.

C. It purports to deal without the assent of the Governing Body (which has not been given) with endowments or parts of endowments which by the Endowed Schools' Act 1869 are exempted from the powers of the Charity Commissioners as having been originally given to charitable uses less than 50 years before the commencement of the said Act.

D.—It purports to deal with endowments given to the said Foundation since the commencement of the Endowed Schools' Act 1869 and also with advowsons and rights of presentation to livings belonging to the said Foundation.

E.—It purports to abolish the present Governing Body notwithstanding that the bulk of the property or endowments of the said Foundation consists of mixed endowments and that the proportion thereof which is non-educational and is applicable to other charitable uses exceeds one-half of the whole endowment.

F.—It contains provisions with respect to religious education which are not in conformity with the express terms or the meaning and intention of the said Endowed Schools' Acts.

5. Your Petitioners also feel aggrieved by the said Scheme on the ground that the Charity Commissioners have thereby wrongly decided with respect to matters which in certain cases they are under the said Act of 1869 empowered to decide subject to appeal—namely—(1) As to the proportion of mixed endowments properly attributable to educational and other uses respectively (2) As to cases in which endowments less than 50 years old are to be held to have become so mixed with old endowments that they cannot be separated and (3) As to the apportionment of old and new endowments.

6. Your Petitioners also feel aggrieved by the said Scheme on the ground that due compensation has not been made for the vested interests of your Petitioners, who hereby petition individually, and of the donation Governors and others in respect of rights of Patronage and of presentation and otherwise.

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7. Your Petitioners also feel aggrieved by the said Scheme on the ground that due regard is not thereby had to the educational interests to which regard is required by the said Acts to be had in relation to the educational advantages of particular classes of persons including (amongst others) the poor and also the Parishioners or inhabitants of certain Parishes within the City of London.

YOUR PETITIONERS therefore humbly pray that Your Majesty in Council will be graciously pleased to withhold your approval from the said Scheme.

And Your Petitioners will ever pray, &c.

Examined.

(Sgd.) H. Homewood Crawford,
City Solicitor,
July 26th, 1888.

Seal of the Governors.

P. De Keyser, Lord Mayor.

William Lawrence (Aldn.)	Thos. Gabriel (Aldn.)
James Clarke Lawrence (Aldn).	Thomas Dakin.
Andrew Lusk (Aldn).	D. H. Stone.
W. J. R. Cotton (Aldn).	Thomas Scambler Owden.
F. Wyatt Truscott.	J. Whittaker Ellis.
Henry E. Knight.	R. N. Fowler.
Reginald Hanson.	James Whitehead.
Henry A. Isaacs.	Joseph Savory.
E. J. Gray.	David Evans.
P. Cowan.	Stuart Knill.
Geo. Rob. Tyler (Aldn.)	Walter H. Wilkin (Aldn.)
Joseph Renals.	

Geo. Faudel Phillips.

Thomas Webber.	George Walter.
George Fisher.	J. K. Farlow.
Thomas White (Deputy).	Robert Stapleton (Deputy).
Francis Farnan, Jr.	Frank Green.

James Harvey (Deputy).

EXTRACTS FROM 1880 SCHEME OF CHARITY COMMISSIONERS.

93. The subsisting rights of Her Majesty in respect of any patronage or presentation shall remain unaffected by this Scheme. Subject thereto and to the saving herein-before contained of the rights of boys and girls who were on the day of publication of this Scheme on the Foundation, and to the provisions herein-after contained, the 400 places in the Lower School for boys and the 200 places in the Lower School for girls shall, from and after the date of this Scheme, be distributed as follows, that is to say, there shall be allotted to poor children to be presented by the under-mentioned persons and bodies the number of places in the said Schools respectively set opposite to the names of such persons and bodies respectively in the following table :—

Distribution of presentations.

Children to be presented by		Boys' School.	Girls' School.
The President of the Foundation for the time being		1	1
The Lord Mayor and his successors in office		2	2
Aldermen of the City of London		34	16
Common Council Governors of the Foundation		8	4
Donation Governors and Governors by Special Vote		270	130
In respect of John Fowke's Trust.	Electors for St. Dunstan in-the-East	1	1
	Electors for All Hallows, Barking	1	1
	Electors for Barking, in the county of Essex	1	1
	Electors for Woodford, in the same county	1	1
In respect of John Phillips' Trust.	Electors for St. Catherine Cree, or Christ Church	1	1
	Electors for St. James, Garlickhithe	1	1
	Master and Wardens of the Cooks Company	1	1
In respect of Giles Russell's Trust.	Electors for Sherborne, in the county of Dorset	1	1
	Electors for St. Ann, Blackfriars	1	
	Electors for St. James, Clerkenwell	1	

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No. 2.

Extracts from 1880 Scheme of Charity Commissioners.

	Children to be presented by	Boys' School.	Girls' School.	
In respect of John Smith's Trust.	Electors for Great St. Helen, Bishopsgate - - - - -	1		
In respect of John Stock's Trust.	Court of Assistants of the Drapers' Company - - - - -	1		
	Electors for Christ Church, Newgate Street - - - - -	1		
In respect of Thomas Webb's Trust.	Electors for St. Leonard, Shoreditch	4	2	10
In respect of Walter Woodward's Trust.	Electors for St. Bride, Fleet Street -	1		
	Electors for St. Stephen, Coleman Street - - - - -	1		
	Electors for St. Luke, Old Street -	2	1	
In respect of John and Frances West's Trust.	Electors for Reading, in the county of Berks, or such enlarged area as may be substituted for Reading by a Scheme to be framed by the Charity Commissioners under the above-named Acts for the future administration of the said Trust	18	10	20
	Electors for Newbury, in the same county, or such enlarged area as may be in like manner substituted for Newbury - - - -	18	10	
	Electors for Twickenham, in the county of Middlesex, or such enlarged area as may be in like manner substituted for Twickenham - - - - -	9	5	30
In respect of Thomas Guy's Trust.	Governors of Guy's Hospital - :	6	2	

Children to be presented by		Boys' School.	Girls' School.
In respect of Thomas Hanbey's Trust.	Court of Assistants of the Ironmongers' Company - -	1	
In respect of William Stoddard's Trust.	Court of Assistants of the Skinners' Company - - - -	2	1
In respect of the Grocers' Company's donation of £10.000 Government Stock and the Trust thereof.	Court of Assistants of the Grocers' Company - - - -	4	2
To provide for the rights of Her Majesty as aforesaid, and subject thereto for the purposes mentioned in the proviso next herein-after contained - - - -		6	6
	Total - - -	400	200

Provided always, that subject to the exercise of the said subsisting rights of Her Majesty (for which not more six places in all will be required), two of the twelve places allotted in the above table to provide in the first instance for such rights, and remaining vacant after the exercise thereof, shall be filled by presentations to be made by the Council of Almoners in execution of the trusts of the Will of Thomas Lockington, dated the 18th day of April 1716, for taking into the hospital two poor children of his relations, and for want of such then two of his surname, and for want of such, then two poor children of freemen inhabiting within the parish of Saint Mary Magdalen, Old Fish Street, to be bred up there until they should attain the age of fifteen years, which said trusts shall continue in force until the 1st day of January 1900 and then be determined, and the endowment for the said purposes given by the said Will shall then be subject to the general provisions of this Scheme. The remaining four of the said twelve places remaining vacant as aforesaid shall be allotted as follows :—one to poor children to be presented in respect of John Lock's Trust, by electors for St. Martin, Ludgate, St. Michael, Bassishaw, and St. John, Walbrook respectively, such bodies presenting in rotation as the Council of Almoners shall direct; one to poor children to be presented in

respect of Christopher Clarke's Trust, by electors for St. Luke, Old Street, and Whitechapel respectively, such bodies presenting alternately as the Council of Almoners shall direct; one to poor children to be presented in respect of Sir George Fettiplace's Trust, by electors for Swinbrook, in the county of Oxon; and one to poor children to be presented in respect of Daniel Westall's Trust by the Court of Assistants of the Mercers' Company.

Provided also, that the trusts annexed to the educational endowment founded by Thomas Stallard Penoyre, settled by the Scheme relating thereto, confirmed by an Order of the High Court of Chancery, dated the 22nd day of February 1844, shall remain subject to the provisions of that Scheme and Order until the expiration thereof on the 1st day of January 1884, when such endowment shall fall into and form part of the General Fund and be subject to the general provisions of this Scheme.

Provided also, that the Charity Commissioners may make Orders from time to time upon such application made to them for the purpose as they may think sufficient for regulating the number of places to be allotted to all or any of the above-mentioned special Trusts in proportion as nearly as may be to the income for the time being derived from endowments originally made applicable exclusively to such Trusts respectively.

Provided also, that if the income of the General Fund, apart from income of endowments originally made applicable exclusively to special Trusts shall at any time be found inadequate to provide for all the purposes of this Scheme, not provided for by the said endowments or chargeable on any other Fund, then and in every such case the Council of Almoners may diminish rateably the number of places allotted to the Aldermen, the Common Council Governors, and the Donation Governors and Governors by Special Vote respectively.

Provided lastly, that every Donation Governor and Governor by Special Vote shall, immediately on his election, be entitled to present a boy or girl, as he may think fit; but if the admission of such boy or girl shall increase the number of boys or girls for the time being in either School admitted on presentation by such Governors beyond the normal number for such School of boys or girls so admitted, no further presentations shall be made to such

School by Donation Governors or Governors by Special Vote (except under this proviso), until the excess of number shall have been abated.

Save as is in this clause before provided no claim shall be made against the Foundation, or any of the endowments thereof, or otherwise, in respect of any of the Trusts in this clause particularly mentioned. And no claim shall be made against the Foundation, or any of the endowments thereof, or otherwise, in respect of any of the Trusts of which short particulars, with the names of their respective founders and dates of foundation, are set forth in Schedule E. hereto.

Presentations by parishes and companies.

94. The presentations by the Electors for the several parishes and areas in the above table referred to shall be made in accordance with the provisions of Schemes framed or to be framed by the Charity Commissioners under the above-named Acts for the future administration of the Trusts in the said table referred to respectively, and until such Schemes are framed the said presentations shall be made by the same bodies as have been heretofore accustomed to present in respect of the same Trusts, and in accordance with the regulations hitherto affecting presentations made by such bodies respectively, so far as such regulations are not inconsistent with the provisions of this Scheme.

Issue of presentations and regard for vested interests of patrons.

95. As vacancies occur in the Lower Schools presentations for filling them up shall be issued to the persons or bodies entitled to present to the places vacated according to the above table in such manner and at such times as the Council of Almoners shall from time to time direct. Provided that in issuing such presentations the Council of Almoners shall, as far as possible, respect the rights of patronage which were, on the 2nd day of August 1869, exercised by any Governor in consequence of any gift or donation made by him.

Special exemptions from religious instruction and worship.

113. The parent or guardian of, or person liable to maintain or having the actual custody of, any scholar attending any School of the Foundation as a day scholar may claim, by notice in writing addressed to the Head Master or Head Mistress of such School, the exemption of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, and such scholar shall be exempted accordingly, and a scholar shall not, by reason of any exemption from attending prayer or religious worship,

or from any lesson or series of lessons on a religious subject, be deprived of any advantage or emolument in the School or out of the endowments of the Foundation to which he or she would otherwise have been entitled.

If the parent or guardian of, or person liable to maintain or having the actual custody of, any scholar who is about to attend any School of the Foundation, and who but for this clause could only be admitted as a boarder, desires the exemption of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, but the persons in charge of the boarding houses of the School are not willing to allow such exemption, then it shall be the duty of the Council of Almoners to make proper provisions for enabling the scholar to attend the School, and have such exemption as a day scholar without being deprived of any advantage or emolument to which he or she would otherwise have been entitled.

If any teacher in the course of other lessons at which any scholar exempted under this clause is in accordance with the ordinary rules of the School present, shall teach systematically and persistently any particular religious doctrine, from the teaching of which any exemption has been claimed, as in this clause before provided, the Council of Almoners shall, on complaint made in writing to them by the parent, guardian, or person liable to maintain or having the actual custody of such scholar, hear the complainant, and inquire into the circumstances, and if the complaint is judged to be reasonable make all proper provisions for remedying the matter complained of.

Religious instruction.

111. Subject to the foregoing provisions, religious instruction in accordance with the doctrines of the Church of England shall be given in each School of the Foundation under such regulations as shall be made from time to time by the Council of Almoners.

SCHEDULE E. (Clause 93.)

Trusts with Provisions for Admission of Children in respect of which no Claim is to be hereafter made.

Name of Founders and Dates of Foundation.	Short Particulars of Endowment and Trusts.
Mark Quested - - - - 1642	Annuity of £40 for maintenance of 10 poor sons of freemen of the Fishmongers' Company in perpetuity. Under an agreement the Company have paid in lieu of this annuity the capital sum of £200, and an annuity of £25 only, and the Hospital has maintained six children hitherto.
John Browne - - - - 1662	Legacy of £400 on trust to maintain three children in perpetuity, one from precinct of Whitefriars, one from St. Dunstan-in-the-West, and one from the Lordship of Finsbury, in the parish of St. Giles', Cripplegate, now St. Luke, Old Street.
William Tudman - - - - 1662	Legacy of £100, on trust, to take one child in perpetuity from St. Mildred, Poultry.
Thomas Cowley - - - - 1711	Devise of the reversion of a house in Cheapside, London, to the Governors of the Hospital, and the testator's Will was that when the lease is expired they shall take two children out of Donnington that should be presented by the vicar, churchwardens, and overseers. When the lease expired two children, presented as directed by the Will were admitted.
James, Viscount Lanesborough - 1722	Legacy of £300 for maintenance and education of one boy in the mathematical school.
George Butteris - - - - 1763	Bequest of residue, which amounted to £546 5s. 1d., on trust to maintain one boy in perpetuity from All Saints, Hertford.
Edmund Tew - - - - 1770	Legacy of £2000 on trust to educate three orphans or sons of poor clergymen of the Church of England in perpetuity, to be presented by founder's family or on default by the treasurer.
Vincent Phipps - - - - 1772	Legacy of £1000 on trust to take one fatherless child in perpetuity from St. Mary Magdalen, Oxford, and Cowley, near Oxford, alternately. Only £700 of this legacy was ever paid.
Richard Stratton - - - 1772	Legacy of £500 on condition that the Hospital should from time to time admit a poor boy from Princes Risborough.

Appendix C.

No. 3.

Correspondence between City Solicitor and Secretary to Charity Commissioners.

CORRESPONDENCE between the City Solicitor and the Secretary and Solicitors to the Charity Commissioners.

GUILDHALL, LONDON, E.C.,
October 19th, 1885.

SIR,

CHRIST'S HOSPITAL SCHEME, No. 537.

I send herewith the Objections of the Corporation of London and of all the Corporation Governors (save two) to the Draft Scheme for Christ's Hospital.

The two Corporation Governors who have not signed are Sir John Bennett who for reasons of his own desires to withhold his signature and Mr. Richard Grant who is seriously unwell at Bournemouth.

Your early acknowledgment of the receipt of the Objections will oblige.

I am, Sir,
Your obedient Servant,
H. HOMEWOOD CRAWFORD.

Sir H. M. VANE.

CHARITY COMMISSION,
WHITEHALL, S.W.,
8th March, 1886.

SIR,

E. CHRIST'S HOSPITAL.

In forwarding to you for the information of the Corporation of the City of London and the Corporation Governors a copy of the Scheme for Christ's Hospital in the form in which it has this day been submitted to the Committee of Council on Education, I am directed to say with reference to your communication of the 19th of October last that it was duly considered by the Board but that the Commissioners upon consideration of all the representations made to them with respect to the published draft Scheme have not found themselves able to accept proposals involving any large alterations therein.

At the same time it will be observed that certain modifications in matters of detail have now been introduced.

I am, Sir,
Your obedient Servant,
D. R. FEARON,
Acting Secretary.

THE CITY SOLICITOR,
Guildhall, E.C.

GUILDHALL, LONDON, E.C.,
9th March, 1886.

SIR,

ENDOWED SCHOOLS' ACT.

CHRIST'S HOSPITAL. E.

I am in receipt this morning of your communication of yesterday's date forwarding me for the information of the Corporation of the City of London and the Corporation Governors a copy of the Scheme for Christ's Hospital in the form in which it has been submitted to the Committee of Council on Education.

I shall be glad to hear why your Board have deemed it unnecessary to hear me in support of the Objections forwarded on the 19th October last before coming to the determination your Board have arrived at.

I shall also be glad to hear whether any kind of enquiry has been instituted by your Board beyond the consideration—in the absence of the parties submitting them—of the various Objections against the original Scheme which have been lodged with your Board.

Awaiting the favour of an early reply,

I am, Sir,
Your obedient Servant,
H. HOMEWOOD CRAWFORD.

THE SECRETARY,
CHARITY COMMISSION,
Whitehall, S.W.

CHARITY COMMISSION,
Whitehall, S.W.,
12th March, 1886.

SIR,

ENDOWED SCHOOLS' ACT.

E. CHRIST'S HOSPITAL.

Your letter of the 9th inst. has been laid before the Commissioners and I am directed to say in reply that no request having been made for an oral hearing in support of the Objections forwarded by you on the 19th October last the Commissioners did not see any occasion for your attendance for that

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No. 3.

Correspondence between City Solicitor and Secretary to Charity Commissioners.

purpose I am to add that enquiry has from time to time been made by the Commissioners on all points on which it appeared desirable to supplement the information already at their disposal.

I am, Sir,
Your obedient Servant,
D. R. FEARON.
Acting Secretary.

The City Solicitor,
Guildhall, E.C.

Guildhall, London, E.C.,
15th March, 1886.

Sir,

ENDOWED SCHOOLS' ACT.

CHRIST'S HOSPITAL. E.

I beg to acknowledge the receipt of your communication of the 12th inst. and in reply need only to say that the Objections lodged by me on behalf of the Corporation Governors with your Board clearly on the face of them shewed that further investigation at the hands of the Commissioners was required, as also an opportunity to be heard before your Board in support of their Objections, sought by those advising the Corporation Governors.

I may perhaps be pardoned for remarking in connection with the concluding portion of your letter that although you say "enquiry has from time "to time been made by the Commissioners on all points on which it appeared "desirable to supplement the information already at their disposal" it is somewhat inexplicable to me that no information has been sought from the Corporation of London or from those who advise the Corporation in the matter.

However, ample opportunity will of course be afforded the Corporation Governors to press forward their Objections, in another place.

I am, Sir,
Your obedient Servant,
H. HOMEWOOD CRAWFORD.

The Acting Secretary,
Charity Commission.

66, Lincoln's Inn Fields,
London, W.C.,
March 1st, 1889.

Dear Sir,

CHRIST'S HOSPITAL.

It appears that some time must still elapse before Messrs. Beachcroft Thompson & Co. will be in a position to furnish you with a proof of their Appendix as agreed to with us.

We do not know what documents you will require to print in your own Appendix outside that of Messrs. Beachcroft & Co., except the Petition; but Messrs. Beachcroft & Co. have suggested that it will save time if each Petitioner will commence the printing of his Appendix at once.

Perhaps you will kindly think the matter over and if necessary speak to Messrs. Beachcroft & Co. about it.

We recently gathered from a conversation we had with Mr. Hay that the point raised in the Petition with regard to the Royal Mathematical and Nautical School would not be proceeded with; and we have this morning received a letter from Messrs. Beachcroft & Co. confirming this so far as their Clients are concerned. May we ask if your Clients propose, on the hearing of their Petition, to raise any question with regard to the School in question?

You will kindly understand that our only object in asking this question is to prevent unnecessary expense and obviate the necessity of our getting up evidence to support the Commissioners' Scheme on a point which will not be touched upon.

Yours truly,
FARRER & CO.

The City Solicitor,
Guildhall, E.C.

Guildhall, London, E.C.,
March 2nd, 1889.

Dear Sirs,

CHRIST'S HOSPITAL.

I am in receipt of your letter of yesterday's date. I cannot quite understand how it can in any way be considered desirable convenient or even practicable for each Petitioner to commence the printing of his Appendix at once, having regard to the fact that until the proposed Joint Appendix has been submitted to the various Petitioners, other than the Governing Body of the Hospital, and which Petitioners are to be at liberty to refer to and use such

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Correspondence between City Solicitor and Solicitors to Charity Commissioners.

Joint Appendix, it is impossible to know whether much additional matter will have to be printed in the form of Separate Appendices. I will take an opportunity of writing Messrs. Beachcroft & Co. on the subject.

With regard to the point raised by some of the Petitioners in connection with the Royal Mathematical and Nautical School I do not think it is the present intention of my Counsel to go into this matter; but I will take an early opportunity of conferring with them upon it and I will subsequently communicate with you.

Believe me,
Yours faithfully,
H. HOMEWOOD CRAWFORD.

Messrs. Farrer & Co.

Guildhall, London, E.C.,
March 22nd, 1889.

Dear Sirs,

CHRIST'S HOSPITAL.

Adverting to your letter of the 1st instant it is *not* the intention of the Corporation to make any point in regard to the Royal Mathematical and Nautical School.

You will doubtless have noticed in our Petition that following upon the Objections presented against the Scheme we have inserted a Clause in regard to the rights of presentation of certain City Parishes, which are improperly interfered with. To save expense to the Parishes concerned, the Corporation are taking up this point on their behalf and I desire to know whether you will admit in my Separate Appendix, extracts from the several Wills and Deeds under which such rights have accrued to the several Parishes without the necessity for formal proof? I do not see that the Charity Commissioners can be prejudiced in any way by this, and your acquiescence in my adopting the course named of simply giving extracts will undoubtedly save much expense.

With regard to the endowments by the Corporation itself and by individual members of the Corporation, I presume you will be prepared to admit particulars of these in my Separate Appendix without the necessity for formal proof, inasmuch as the question will resolve itself into one of principle rather than one of amount.

Awaiting the favour of your reply,

I remain,
Yours faithfully,
H. HOMEWOOD CRAWFORD.

Messrs. Farrer & Co.,
66, Lincoln's Inn Fields, W.C.

66, Lincoln's Inn Fields,
London, W.C.,
28th March, 1889.

Dear Sir,

CHRIST'S HOSPITAL.

We are in receipt of your Letter of the 22nd instant, for which we are much obliged.

We have no objection to admit the Extracts from the Wills and Deeds referred to by you under which rights of presentation are alleged to have accrued to certain City Parishes without formal proof provided that our so doing is understood to be without prejudice to any question which may arise as to the *locus standi* of the Corporation with respect to the claims in question.

We ought to be satisfied of the substantial accuracy of the particulars of the endowments mentioned in the last paragraph of your letter, before admitting them.

We are, Dear Sir,
Yours truly,
FARRER & CO.

The City Solicitor,
Guildhall, E.C.

Guildhall, London, E.C.,
March 29th, 1889.

Dear Sirs,

CHRIST'S HOSPITAL.

I am obliged to you for your letter of yesterday's date. It is, of course, quite understood that, by agreeing to admit the extracts from the Wills and Deeds under which rights of presentation have accrued to certain City Parishes, you do not waive your right to object to the *locus standi* of the Corporation with respect to these claims, in case you should be advised to raise the objection.

I do not think there will be any difficulty in satisfying you as to the accuracy of the particulars of the Endowments by the Corporation, or by individual members of that body, without the necessity of formal proof.

Yours faithfully,
H. HOMEWOOD CRAWFORD.

Messrs. Farrer & Co.

Appendix C.

No. 3.
Correspondence between City Solicitor and Solicitors to Charity Commissioners.

GUILDHALL, LONDON, E.C.,
April 6th, 1889.

DEAR SIRS,

Re CHRIST'S HOSPITAL.

I am desirous of setting out in my Appendix a small portion of the 1880 Scheme. Have I your consent to limit my extracts to those portions which I consider affect some of the points raised by me, or do you require me to set out the whole Scheme?

Mr. Beachcroft writes me that it will be necessary for him to set out in his separate Appendix various extracts from the Repertories and Journals of the Corporation and which extracts would also apply to my case. Obviously it would be a saving of expense if I had liberty to refer to those extracts instead of reprinting them as part of my Appendix and I trust you will see your way to assenting to this course being adopted, subject of course to formal proof being given as to the correctness of the extracts.

Believe me,
Yours faithfully,
H. HOMEWOOD CRAWFORD.

MESSRS. FARRER & CO.

66, LINCOLN'S INN FIELDS,
LONDON, W.C.,
April 8th, 1889.

DEAR SIR,

Re CHRIST'S HOSPITAL.

Referring to your letter of the 6th inst. we do not imagine that there would be any objection to your setting out in your Appendix any extracts you may require from the Commissioners' Scheme of 1880, subject of course to the provisions of our letter of the 28th ulto. It may however be necessary for us, when we know what you propose to insert in the Appendix, to make additions to the same on behalf of the Commissioners. We hope very shortly to be furnished with a proof of your Appendix.

It was understood at the meeting at the Privy Council Office on 28th January last that all parties were to be at liberty to refer to the Appendix

now in course of being prepared by Mr. Beachcroft and ourselves, on the understanding that any party doing so would bear a proportion of the cost.

We are, Dear Sir,
Yours truly,

FARRER & CO.

The City Solicitor,
Guildhall, E.C.

Guildhall, London, E.C.,
April 9th, 1889.

Dear Sirs,

CHRIST'S HOSPITAL.

I am obliged to you for your letter of yesterday's date.

I shall be happy to forward you a proof of my proposed Appendix the moment I am in a position to complete the same, but it is impossible for me to complete it until the joint Appendix now in course of preparation by Mr. Beachcroft is completed.

I am quite aware of the understanding arrived at, at the Privy Council Office, on the 28th January last.

Yours faithfully,
H. HOMEWOOD CRAWFORD.

Messrs. Farrer & Co.

Guildhall, London, E.C.,
April 15th, 1889.

Dear Sirs,

CHRIST'S HOSPITAL SCHEME.

I have this morning had an interview with Mr. Hay of Messrs. Beachcroft & Co. and he informs me that he has arranged with you to print certain matter, which you do not admit, and which is not to be included in the joint Appendix, in a separate volume to be called Vol. 2 of the Appendix. As such separate volume will contain matter to which I desire to refer, and it is obviously undesirable to incur the expense of reprinting the same by way of separate

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No. 3.

Correspondence between City Solicitor and Solicitors to Charity Commissioners.

Appendix, I shall be glad to hear whether I have your assent to refer to both the joint Appendix and Vol. 2, or whether you will require me to set out in my Appendix such matter as may be referred to in the Appendix of Messrs. Beachcroft as I consider appertains to my case?

I should also like to have an understanding with you in regard to the binding of my case and Appendix. Inasmuch as my case will refer to the above mentioned Joint Appendix and Vol. 2 I shall be glad to know whether you would prefer that I should bind up with my case such portions of the Joint Appendix and Vol. 2 as relate to my case, or whether I may be at liberty to refer to the entire Case and Appendices as put in by Messrs. Beachcroft who represent the principal Petitioners?

As time is pressing I shall be glad to hear from you at your earliest convenience; and should there be any point upon which you desire information perhaps you will kindly intimate the same to me in order that I may if possible furnish you with the required information.

Believe me,
Yours faithfully,
H. HOMEWOOD CRAWFORD.

Messrs. Farrer & Co.

66, Lincoln's Inn Fields,
London, W.C.,
16th April, 1889.

Dear Sir,

CHRIST'S HOSPITAL.

Referring to your letter of yesterday's date the Appendix in two Volumes which we are arranging with Messrs. Beachcroft & Co. is one which can scarcely be looked upon as a Joint Appendix inasmuch as neither Messrs. Beachcroft & Co. nor ourselves admit the documents in the strict sense as evidence although we agree that they may be taken by the Judicial Committee for what they are worth. It is only a matter of convenience that the Appendix is in two Volumes, but both Volumes are on the same footing.

It will be quite open to you if you come to an arrangement with Messrs. Beachcroft & Co. to make what use you like of their Appendix, subject of course to the mutual understanding which has been arrived at between Messrs. Beachcroft & Co. and ourselves.

Besides the Appendix there will be the two Charity Commissioners' Reports of 1837 and 1862 which are to be considered as incorporated with it.

We do not think that it will under the circumstances be necessary for you to bind up in your Appendix the portions of Messrs. Beachcroft's Appendix which you may wish to use.

We shall be extremely obliged if yon will let us have, at once if possible, a proof of your proposed Appendix.

Yours truly,

FARRER & CO.

THE CITY SOLICITOR,
Guildhall, E.C.

GUILDHALL, LONDON, E.C.,
April 17th, 1889.

DEAR SIRS,

CHRIST'S HOSPITAL.

I am obliged to you for your letter of yesterday's date. I quite understand that the two volumes of the Appendix are to be used before the Judicial Committee for what they may be worth and I am much obliged to you for agreeing to my suggestion that I should be at liberty to refer to them to save the necessity for extracting any portions and binding up such extracts in my Appendix.

I shall not be able to let you have a proof of my proposed Appendix until about Monday week as my papers are still before Counsel and the Easter Holidays will cause some little delay.

Have you not made a mistake in your reference to one of the Charity Commissioners' Reports?

I can find the report of 1837, and one of 1865, but I can find no report in 1862.

Yours faithfully,

H. HOMEWOOD CRAWFORD.

MESSRS. FARRER & CO.

Appendix C.

No. 3.

Correspondence between City Solicitor and Solicitors to Charity Commissioners.

66, Lincoln's Inn Fields,
London, W.C.,
April 18th, 1889.

Dear Sir,

CHRIST'S HOSPITAL.

We hope you will be able to let us have a copy of your proposed Appendix either in print or in manuscript before the day named in your letter, as otherwise it will leave us no time to obtain the documents, if any, which our Counsel on reading the Appendix may advise us should be inserted on behalf of the Commissioners.

As you are aware, the hearing is fixed for the 28th proximo and the Registrar of the Privy Council requires all papers to be lodged with him at least a week before that day; and it must be borne in mind that the Appendix has to be finally settled between us, printed, and bound, before lodgment.

The Charity Report of Mr. Hare in the Charity Returns of 1865 is the Report referred to.

Yours truly,
FARRER & CO.

The City Solicitor,
Guildhall, E.C.

* * * * * *

Guildhall,
April 24th, 1889.

Dear Sirs,

CHRIST'S HOSPITAL SCHEME.

In reply to your letter of yesterday's date, I regret I cannot forward you a proof of my proposed Appendix before Monday next but as it contains very little more than what you have already been made acquainted with through the proposed Joint Appendix I think you will have little difficulty in arranging as to what you may require bound up with my Appendix.

* * * * * *

Yours faithfully,
H. HOMEWOOD CRAWFORD.

Messrs. Farrer & Co.

EXTRACTS from Wills and other Documents relating to rights of presentation of various City Parishes, and Affidavits verifying same.

Appendix C.

No. 4.

Extracts from Wills, &c., relating to rights of City Parishes and Affidavits verifying same.

AFFIDAVIT OF DANIEL STOCK, filed on behalf of the Appellants The Mayor, &c., of London.

In the Privy Council.

IN THE MATTER OF the Foundation known as the Hospital of Edward late King of England the Sixth of Christ commonly called CHRIST'S HOSPITAL

AND

IN THE MATTER OF THE ENDOWED SCHOOLS' ACT 1869 and amending Acts

AND

IN THE MATTER OF a SCHEME made by the Charity Commissioners under the said Acts intituled "A Scheme for the Administration of the above mentioned Foundation."

(1.)
Affidavit of Daniel Stock.

I Daniel Stock of 171 Queen Victoria Street in the City of London Solicitor make oath and say as follows—

1. I am Vestry Clerk of the Parish of St. Ann Blackfriars in the said City of London and as such have in my custody a brief Copy Extract from the Will of Giles Russell dated the 29th August 1664 which has been in my possession for some 8 years and was handed over to me by my predecessor in office and under which the said Parish claims and exercises certain rights of presentation to Christ's Hospital.

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No. 4.
Extracts from Wills, &c., relating to rights of City Parishes and Affidavits verifying same.

(No. 1.)
Affidavit of Daniel Stock

2. The paper writing now produced and shewn to me and marked D.S. is a true and correct copy of such Extract concerning the benefaction of the said Giles Russell to the said Parish and in respect of which the said rights of presentation are enjoyed.

3. I have also in my custody as such Vestry Clerk as aforesaid the Benefaction Book of the said Parish dated 1838 which contains the following entry relating to the above mentioned benefaction viz.—

GILES RUSSELL'S BEQUEST.

This benefaction which is derived under the Will of Giles Russell Esq. dated 29th of August 1664 consists of a right on the part of the Churchwardens and Overseers of this Parish to have continually three poor children of the Parish maintained and educated in Christ's Hospital. The terms of the Bequest are as follows viz.—The Testator constituted Thomas Gouge and others his Trustees and upon trust that the said trustees and their heirs should from time to time and for all times for ever permit the President Treasurers and Governors of Christ's Hospital London to receive and enjoy the rents and profits of certain messuages lands tenements and hereditaments after the decease of his wife for the use of Christ's Hospital to the intent that they the President Treasurer and Governors and their successors for ever should out of the same educate and maintain in Christ's Hospital nine poor children to be taken out of three Parishes whereof three of them were to be taken out of the Parish of St. Ann Blackfriars London until the same children should accomplish their several ages of 16 years. And then others to be taken out of the said Parish in their stead or in the stead of any of them which should first happen to die before the accomplishment of such age. And the said children to be taken out of the said Parish by the election nomination and approbation of the said trustees or any two of them. And after the decease of any five of the said trustees then he willed and ordained that the said poor children should from time to time for ever be taken out of the said Parish by the election nomination and approbation of the Churchwardens and Overseers of the Poor of the said Parish for the time being or the greater part of them. Wherein he did appoint that they shall in the first place have respect to and prefer such poor children of his kindred in the said Parish as the said Churchwardens and Overseers or the major part of them should find or judge to stand in need thereof.

The benefit of this charity continues to be enjoyed by this Parish who agreeably to it have always three children maintained and educated in Christ's Hospital until they respectively attain the age of 16 on the nomination of the Churchwardens and Overseers.

(1.)
Affidavit of Daniel Stock.

Sworn at 171 Queen Victoria Street in the City of London this 4th day of May 1889

Before me

W. W. PALMER

A Commissioner to Administer Oaths in the Supreme Court of Judicature in England.

DANIEL STOCK.

The paper writing referred to in the Affidavit of Daniel Stock and marked D.S.

D.S.

In the Privy Council.

In the Matter of Christ's Hospital.

This is the paper writing marked D.S. referred to in the Affidavit of Daniel Stock sworn in this Matter this 4th day of May 1889

Before me

W. W. PALMER

A Commissioner, &c.

(2.)
Extract from Giles Russell's Will referred to in Affidavit of Daniel Stock and marked D.S.

A TRUE COPY of Mr. Giles Russell's Will so far as it concerns his Benefaction to the Town of Sherborne in the County of Dorset and St. Ann Blackfriars and St. James Clerkenwell in the County of Middlesex.

MOREOVER I give and devise to my trusty and well beloved friends Thomas Gouge of the Parish of St. Sepulchres London Clerk and William Jenkins of the Parish of Christ Church London Clerk Thomas Paul of Anne Blackfryers Citizen and Haberdasher of London Andrew Dacres Citizen and Painter Stainer of London John Charles of London Brewer and John Fisher of London Gentleman ALL and singular my messuages lands tenements and heredita-

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No. 4.

Extracts from Wills, &c., relating to rights of City Parishes and Affidavits verifying same.

(2.)

Extract from Giles Russell's Will referred to in Affidavit of Daniel Stock and marked D.S.

ments as well copyhold (which I have surrendered to the use of my last Will) as freehold or charterhold situate in the County of Hartford or elsewhere in England wherein I have any estate of inheritance To have and to hold unto the said Thomas Gouge William Jenkins Thomas Paul Andrew Dacres John Charles and John Fisher and their heirs and assigns shall permit and suffer my dear and loving wife Milcah Russell during her life to have and to receive the rents and profits of the said lands and hereditaments so as she keep and maintain the same in good and tenantable reparations from time to time with power to my said Trustees or the survivor of them (if they think fit to demise or let the same unto the said Milcah for 99 years if she so long live at the yearly rent of a peppercorn and under such other covenants and conditions to restrain her and her assigns from waste and for keeping the premises in good reparations and conditions as the said Trustees or the survivor of them or their heirs shall think meet and after her decease then upon trust and confidence that they the said trustees and their heirs shall from time to time and at all times for ever permit and suffer the President Treasurer and Governors of Christ's Hospital in London commonly known by the name of the Mayor and Commonalty and Citizens of the City of London Governors of the possessions revenues and goods of the Hospital of Edward King of England the Sixth of Christ Bridewell and Saint Thomas the Apostle and their Successors for ever Governors aforesaid To have receive take and enjoy the rents and profits of all and singular the said messuages lands tenements and hereditaments for the use of Christ's Hospital aforesaid and not otherwise To the intent and purpose that the said President Treasurer and Governors and their successors for ever shall out of and with the same rents issues and profits of the same lands tenements and hereditaments educate bring up and maintain in Christ's Hospital aforesaid nine poor children to be taken out of the Town of Sherborne aforesaid and the Parishes of Anne Blackfryers aforesaid and Saint James Clerkenwell in the County of Middlesex that is to say Three out of the said Town and Three out of the said Parishes until the same children shall accomplish the several ages of sixteen years and then others to be taken out of the said respective Towns and Parishes in their steads or in the steads of any of them which shall happen to die or depart this mortal life before the accomplishment of such age and so from time to time to continue and maintain the education of such children for ever as my gift and also to place out the same children Apprentices if the rents issues and profits aforesaid shall be sufficient so to do and the overplus of the said rents and profits (if any be) to go and be for the use of the said Hospital of Christ for ever Provided always AND I DO HEREBY FURTHER DECLARE LIMIT APPOINT AND ENJOIN that the said nine poor children above mentioned to be taken out of the said

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Extracts from Wills, &c., relating to rights of City Parishes and Affidavits verifying same.

(2.)

Extract from Giles Russell's Will referred to in Affidavit of Daniel Stock & marked D.S

Town and Parishes shall be from time to time so taken out at the election nomination and approbation of my said Trustees or any two of them wherein I appoint that they shall in the first place regard and prefer such poor children of my kindred in the said Town and Parishes as they the said Trustees or any two of them shall find or judge to stand in need thereof And after the decease of any five of the said Trustees then I will and ordain that the said poor children shall from time to time for ever be taken out of the said Town and Parishes by the election nomination and approbation of the Churchwardens and Overseers for the Poor of the said respective Town and Parishes for the time being or of the major part of them wherein I appoint that they shall in the first place have respect to and prefer such poor children of my kindred in the said Town and Parishes as they the said Churchwardens and Overseers or the major part of them shall find or judge to stand in need thereof as aforesaid.

The Will is dated the 29th of August 1664.

and Proved the 15th March 1670.

AFFIDAVIT OF HERBERT SIDNEY RUSSELL, filed on behalf of the Appellants The Mayor, &c., of London.

In the Privy Council.

IN THE MATTER OF the Foundation known as the Hospital of Edward late King of England the Sixth of Christ commonly called CHRIST'S HOSPITAL

AND

IN THE MATTER OF THE ENDOWED SCHOOLS' ACT 1869 and amending Acts

AND

IN THE MATTER OF a SCHEME made by the Charity Commissioners under the said Acts intituled "A Scheme for the Administration of the above mentioned Foundation."

(3.)

Affidavit of H. S. Russell.

I Herbert Sidney Russell of Guildhall in the City of London Clerk in the

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No. 4.

Extracts from Wills, &c., relating to rights of City Parishes and Affidavits verifying same.

(3.)

Affidavit of H. S. Russell.

Office of Henry Homewood Crawford of the same place City Solicitor make Oath and say as follows :—

1. On the 6th day of May instant I attended at the Office of the Clerk to Christ's Hospital in the said City and compared the paper writing now produced and shewn to me and marked H.S.R. 1 with an Extract from the Will of one Walter Woodward bearing date the 24th December 1653 set out on pages 251 and 252 of the "Book of Wills Deeds &c. 1552 to 1649" in the custody of the Clerk of the said Hospital under which Will the parishes of St. Bride Fleet Street and St. Stephen Coleman Street in the said City claim and exercise certain rights of presentation to the said Hospital and I say that such paper writing is a true and correct copy of such Extract.

2. On the said 6th day of May instant I attended at the said Office and also compared the paper writing now produced and shewn to me and marked H.S.R. 2 with a copy of an Indenture dated the 25th September 1776 made between the Governors of the said Hospital and one John Smith set out on pages 324 to 326 of another "Book of Wills Deeds &c. 1654 to 1821" also in the custody of the said Clerk and under which said Indenture the Parish of St. Helen's Bishopsgate in the said City claims and exercises certain rights of presentation to the said Hospital and I say that such paper writing is a true and correct copy of such Extract.

3. On the said 6th day of May instant I attended at the said Office and also compared the paper writing now produced and shewn to me and marked H.S.R. 3 with an extract from an Indenture of covenants bearing date the 20th January 1634 made between the Executors of one John Lock and the Governors of the said Hospital set out on pages 232 and 233 of the said "Book of Wills Deeds &c." referred to in paragraph 1 of this my Affidavit under which Deed the parishes of St. John the Baptist Walbrook St. Martin's Ludgate and St. Michael Bassishaw all in the City of London claim and exercise certain rights of presentation to the said Hospital and I say that such paper writing is a true and correct copy of such Extract.

Sworn at No. 90 Cannon Street in the City of London the 7th day of May 1889

Before me

SAMUEL CHESTER

A Commissioner to Administer Oaths in the Supreme Court of Judicature in England.

HERBERT S. RUSSELL.

The paper writing marked H.S.R.[1] referred to in the Affidavit of Herbert Sidney Russell.

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Extracts from Wills, &c., relating to rights of City Parishes and Affidavits verifying same.

H.S.R.[1]

In the Privy Council,

In the Matter of Christ's Hospital.

This is the paper writing marked H.S.R.[1] referred to in the Affidavit of Herbert Sidney Russell sworn before me in this Matter this 7th day of May 1889

SAMUEL CHESTER

A Commissioner, &c.

(4.)

Extract from Will of Walter Woodward referred to in Affidavit of H. S. Russell and marked H.S.R.1

EXTRACT from the last Will and Testament of WALTER WOODWARD late Citizen and Innholder of London bearing date the 24th day of December in the year 1653.

"And as touching the disposing of my freehold messuages lands tenements and hereditaments I dispose and bequeath the same as followeth—I give and bequeath all those my two messuages or tenements by me lately erected and built with brick situate and being near Fleet Bridge in the Parish of Brides *alias* Bridg[t] near Fleet Street London now in the several tenures or occupations of Thomas Middleton and Robert Ward or their assigns with all and singular shops cellars sollars yards easements commodities and appurtenances of whatsoever to the same messuages or tenements or either of them belonging or appertaining unto the Mayor Commonalty and Citizens of the City of London Governors of the Possession Revenues and Goods of the Hospital of Christ Church in London and their successors for ever Governors aforesaid Upon trust and confidence and to the intent and purpose that the said Governors and their successor for ever shall out of and with the rents issues and profits of the same messuages educate bring up and maintain nine poor children to be taken out of the several Parishes of Bride *alias* Bridget near Fleet Street London St. Stephen in Coleman Street in London and that part of the Parish of Gyles without Cripplegate London which lieth within the County of Middlesex until the same children shall accomplish their several ages of sixteen years and then others to be taken in, in their steads or in the stead of any of them which shall happen to die or depart this mortal life before the accomplishment of such age and so from time to time to continue the

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Extracts from Wills, &c., relating to rights of City Parishes and Affidavits verifying same.

education and maintenance of such children for ever as my gift And also to place out the same children Apprentices if the rents issues and profits aforesaid shall be sufficient so to do And my Will and meaning is that of the said nine Children three out of every of the said last mentioned three Parishes shall be taken into the said Hospital to be educated brought up maintained and placed out as is aforesaid mentioned for ever."

(4.)

Extract from Will of Walter Woodward referred to in Affidavit of H. S. Russell and marked H.S.R.1

The paper writing referred to in the Affidavit of Herbert Sidney Russell and marked H.S.R.²

H.S.R.²

In the Privy Council.

In the Matter of Christ's Hospital.

This is the paper writing marked H.S.R.² referred to in the Affidavit of Herbert Sidney Russell sworn before me in this Matter this 7th day of May 1889.

SAMUEL CHESTER

A Commissioner, &c.

JOHN SMITH'S CHARITY FOR THE BENEFIT OF THE INHABITANTS OF THE PARISH OF ST. HELEN'S BISHOPSGATE.

(5.)

Abstract of Indenture between John Smith and Governors of Christ's Hospital referred to in Affidavit of H. S. Russell and marked H.S.R.2

By an Indenture dated 25th September 1776 and made between the Mayor and Commonalty and Citizens of the City of London Governors of the said Hospital of the first part John Smith of Great St. Helen's in the City of London, Esquire, of the second part Thomas Burfoot Treasurer and William Brockett and Thomas Misenor Governors &c. of the third part. After reciting that the said John Smith had transferred to certain trustees for Christ's Hospital the sum of £2500 Capital 3 per cent. South Sea Annuities of the year 1751 upon condition that the Governors of the said Hospital would pay to his nephew William Webber then living an Annuity of £100 for his life and after his decease to maintain and educate in the said Hospital two children perpetually to be taken out of the said Parish of St. Helen near Bishopsgate Street London to be presented by a Public Vestry or by the major part of

the inhabitants present at such Vestry, It was witnessed that in consideration of such transfer the said Mayor &c. covenanted with the said John Smith for payment of the said Annuity to the said William Webber for his life. And the said Mayor &c. their successors &c. covenanted that they would from and after the decease of the said William Webber for "ever maintain and educate in the Hospital two poor children of persons "who shall be inhabitants of the said Parish of Great St. Helen to be chosen by "the majority of a Vestry of the said Parish and on the death or discharge or "other removal of every such child or children within three months then "next to receive and admit other or others in his her or their room. Provided "nevertheless that the parent or parents of such child or children so to be "maintained and educated as aforesaid shall have been an inhabitant or "inhabitants of the said Parish one whole year next immediately before such "choice shall be made and every child so to be chosen shall be upwards of "7 years of age born in lawful wedlock of honest and reputable parents "and the Minister and Churchwardens of the Parishes whereto such child or "children shall respectively belong shall comply with and be subject to the "forms generally in use for the admission of children into the said Hospital."

Paper writing referred to in Affidavit of Herbert Sidney Russell and marked H.S.R.[3]

H.S.R.[3]

In the Privy Council.

In the Matter of Christ's Hospital.

This is the paper writing marked H.S.R.[3] referred to in the Affidavit of Herbert Sidney Russell sworn before me in this matter this 7th day of May 1889.

SAMUEL CHESTER

A Commissioner, &c.

A Brief Recital of the Indenture of covenants.

A BRIEF RECITAL of the Indenture of Covenants bearing date 20th day of January 1634 and in the 10th year of the reign of our Sovereign Lord King Charles of England &c. made between Clement Mosse Comptroller of the Chamber

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Extracts from Wills, &c., relating to rights of City Parishes and Affidavits verifying same.

(6.)

A brief recital of Indenture between Executors of John Lock and Governors of Christ's Hospital referred to in Affidavit of H. S. Russell and marked H.S.R 3.

of London and George Brittaine Clerk of the Company of Skinners' Hall London Executors of the last Will and Testament of John Lock of the Parish of St. Martin's within Ludgate Tailor on the one party and the Mayor and Commonalty and Citizens of the City of London Governors of the Possessions Revenues and Goods of the Hospital of Edward King of England the Sixth of Christ Bridewell and Saint Thomas the Apostle on the other party.

WITNESSETH That whereas the said John Lock by his last Will and Testament bearing date 26th day of October 1632. Albeit he was no Freeman of the City of London yet out of his pious and Godly intent this City and Poor thereof did give and bequeath to Christ's Hospital London £1000 to be and remain to the use and bringing up of poor children there and his Executors in his last Will and Testament named as aforesaid should think fit and devise who after the death of the said John Lock the Testator have taken upon them the execution of the said Will and have performed the payment of the said sum of £1000 as by the said deed more at large appeareth and the said Clement Moss and George Brittain according to the trust reposed in them in and by the last Will and Testament of the said Testator have devised and declared the uses intents and purposes for the full performance of the said trust to be and remain as a perpetuity for ever as hereafter followeth. And the said Mayor and Commonalty and Citizens have thereunto by these presents agreed (that is to say) That the Governors of the said Christ's Hospital in consideration of the said Gift of £1000 shall take into the charge and government of the said Hospital and at their costs and charges educate keep and maintain the number of eight children being the children of Freemen of the said City of London to be nominated appointed and preferred in manner and form following (that is to say) two of the said number of eight children to be at the discretion and disposing Will and Appointment of the President of the said Christ's Hospital for the time being from what place or parish he shall think fit and two children to be taken and admitted from the Parish of Saint Martin within Ludgate where the Testator was an inhabitant and two children to be taken and admitted from the Parish of Saint Michael Bassishaw where the said Clement Moss is an inhabitant. And two children to be taken and admitted from the Parish of Saint John's in Walbrook where the said George Brittaine is an inhabitant which two children so to be taken out of the said Parish of Saint Martins Ludgate into the said Hospital and there to be maintained by the said Governors shall during the natural lives of John Lock Thomas Lock and Francis Moore the Testator's Nephews and of Henry Wally

Gentleman one of the overseers of the Testator's Will and the survivor of them for and during so long time as they and every of them shall dwell in the said Parish of Saint Martin's Ludgate nominate appoint and prefer the said two children so to be from time to time preferred to the said Hospital and after their decease or removal out of the said parish then the Churchwardens and Common Councilmen of the said parish for the time being always for ever thereafter shall nominate and present such children as shall be by virtue of these presents to be taken and received out of the same parish into the said Hospital and there maintained and educated as aforesaid and the other four children from the said parishes of Saint Michaels in Bassishaw and Saint Johns in Walbrook shall be nominated and appointed by the said Executors during their natural lives respectively and after their decease then the said four children shall be for ever hereafter nominated and appointed by the Churchwardens and Common Councilmen of the said several parishes before named respectively. And as any of the said number of eight children shall fortune to decease or otherwise be preferred out of the said Hospital the said Governors of the said Hospital shall as the said eight places or any of them become void take into the government of the said Hospital in their rooms as many as shall make up the said number of eight children being the children of Freemen to be appointed and educated in manner aforesaid the parishioners of those parishes undertaking to discharge the said Hospital of such children as shall be admitted from the said parishes when they shall accomplish the several ages of 15 years according to the custom of the said Hospital. Nevertheless it is hereby meant declared and agreed that if any of the kindred of the said Testator being the children of Freemen of the said City dwelling within the City of London and the Liberties thereof shall be so poor as that they shall be thought fit by the President or any three of the Governors of the said Hospital to be received in the said Hospital that then such child or children shall be first preferred and have the benefit of the Testator's said Gift before any be presented either by the President or any of the said parishes.

Then follows a covenant for the receiving of the said children into the said Hospital.

Appendix C.

No. 4.
Extracts from Wills, &c., relating to rights of City Parishes and Affidavits verifying same.

AFFIDAVIT OF JAMES EDWARD SHEARMAN, Junior, filed on behalf of the Appellants The Mayor, &c., of London.

In the Privy Council.

IN THE MATTER OF the Foundation known as the Hospital of Edward late King of England the Sixth of Christ commonly called CHRIST'S HOSPITAL.

AND

IN THE MATTER OF THE ENDOWED SCHOOLS' ACT 1869 and Amending Acts

AND

IN THE MATTER OF a SCHEME made by the Charity Commissioners under the said Acts intituled "A Scheme for the Administration of the above mentioned Foundation."

(7.)
Affidavit of J. E. Shearman, Jun.

I James Edward Shearman Jun. of 10 Idol Lane Great Tower Street in the City of London Solicitor make Oath and say as follows—

1. I am Vestry Clerk of the Parish of St. Dunstan-in-the-East in the said City of London and as such have in my custody a Book of Wills Benefactions and Gifts to the poor of the said Parish collected by Thomas Tomlinson Vestry Clerk in the year 1761 which book contains on pages 48 and 49 copy of a clause in the last Will and Testament of John Fowke Esq. deceased dated the 26th day of October 1686 under which the said Parish claims and exercises certain rights of presentation to Christ's Hospital.

2. The paper writing now produced and shewn to me and marked J.E.S. 1 is a true and correct copy of such clause concerning the benefaction of the said John Fowke to the said Parish and in respect of which the said rights of presentation are enjoyed.

3. The said book of Wills Benefactions and Gifts also contains on pages 51 and 52 an extract from the Will of Gilbert Keate Esq. under which the said Parish also claims and exercises certain rights of presentation to Christ's Hospital.

4. The paper writing now produced and shewn to me and marked J.E.S. 2 is a true and correct copy of such extract so far as it concerns the benefaction of the said Gilbert Keate to the said Parish and in respect of which the said rights of presentation are enjoyed.

Sworn at 9 Idol Lane Eastcheap in the City of London the 4th day of May 1889
Before me
F. KYNASTON METCALFE
A Commissioner to Administer Oaths in the Supreme Court of Judicature.

J. E. SHEARMAN, Jun.

The paper writing marked J.E.S.[1] referred to in the Affidavit of James Edward Shearman Jun.

J.E.S.[1]

In the Privy Council.

In the Matter of Christ's Hospital.

This is the paper writing marked J.E.S.[1] referred to in the Affidavit of James Edward Shearman Jun. sworn in this matter this 4th day of May 1889.

Before me

F. KYNASTON METCALFE.

A Commissioner, &c.

ST. DUNSTAN IN THE EAST, LONDON.

THE COPY of the Clause in the last Will and Testament of John Fowke Esq. deceased dated the 26th day of October 1686.

ITEM. I give devise and bequeath unto Sr John Moore Knt. and Alderman of the City of London President of the Hospital called Christ's Hospital in London Nathaniel Hawes Esqre. Treasurer of the said Hospital

Appendix C.

No. 4.

Extracts from Wills, &c., relating to rights of City Parishes and Affidavits verifying same.

(8.)

Clause in Will of John Fowke referred to in Affidavit of J. E. Shearman, Jr. and marked J.E.S. 1.

and to Thomas Heatly John Midgley James Wood and Richard Hoare four of the Governors of the same Hospital and to their Heirs and Assigns for Ever All those Three Messuages or Tenements with their appurtenances Situate and being in Tower Street and Water Lane in the Parish of St. Dunstan's in the East in London now in the occupation of Gerrard Andrews or of his under Tenants or Assigns and the Warehouses Cellars and Vaults lying under the same and all those other Two Messuages or Tenements with their appurtenances and the Warehouses Vaults and Cellars lying under the same and under the Yards thereof Situate and being in Water Lane in the said Parish of Saint Dunstan in the East in London and now in the occupation of the said Gerrard Andrews of which said Five Messuages or Tenements Warehouses Vaults Cellars and Premises I am seized in Fee Simple to the use of me and my Heirs for ever To have and to hold the said Five Messuages or Tenements and the said Warehouses Vaults and Cellars lying under the same with their Appurtenances unto the said Sir John Moore Nathaniel Hawes Thomas Heatley John Midgley James Woods and Richard Hoare and their Heirs and Assigns for ever to and for their uses (upon the Trusts and to and for the uses intents and purposes herein after limited expressed and declared (That is to say) upon Trust and Confidence that the said Sir John Moore Nathaniel Hawes Thomas Heatley John Midgley James Woods and Richard Hoare and their Heirs and Assigns shall Issue forth and dispose of so much of the yearly and other Rents and Profits of the said Messuages or Tenements Warehouses Vaults Cellars and Premises so to them disposed as aforesaid as shall be competent for the maintenance and education of Eight poor Boys in Christ's Hospital aforesaid for ever whom I do Will and appoint to be taken into the said Hospital from time to time from these Several Parishes following (That is to say) Two of the said Eight from the Parish of St. Dunstan in the East in London Two of them from the Parish of Allhallows Barking in London Two of them from the Parish of Barking in the County of Essex and Two of them from the Parish of Woodford in the County of Essex to be from Time to Time presented by the respective Churchwardens and Overseers of the Poor of the aforesaid respective Parishes and to be from Time to Time harboured kept maintained educated and provided for in Christ's Hospital aforesaid and from thence preferred according to the laudable custom and usage of the said Hospital And do Will that when any of the said Eight Boys shall be removed or Dye there shall be put into the said Hospital out of the Parishes from whence the Boys so removed or dying so many other Boys in Number as shall happen to be removed or dye and so (toties quoties) as often as there shall be a Vacancy of such Boys places for Ever.

To have always two Boys in Christ Hospital.

Note:—*There is a copy of the clause remaining in Christ's Hospital.*

The paper writing marked J.E.S.[2] referred to in the Affidavit of James Edward Shearman Junior.

J.E.S.[2]

In the Privy Council.

In the Matter of Christ's Hospital.

This is the paper writing marked J.E.S.[2] referred to in the Affidavit of James Edward Shearman Junr. sworn in this matter this 4th day of May 1889.

Before me

F. KYNASTON METCALFE.

A Commissioner, &c.

ST. DUNSTAN IN THE EAST, LONDON.

COPY of Clause in the Will of GILBERT KEATE Esq. relating to his Gift to Christ's Hospital taken from a Book of Wills and Plans prepared by THOMAS TOMLINSON Vestry Clerk. Anno 1761.

(9.) Clause in Will of Gilbert Keate referred to in Affidavit of J. E. Shearman, Jr. and marked J.E.S. 2.

WHEREAS I have in my life time paid to Richard Glyde Treasurer of Christ's Hospital London for the use of the said Hospital the sum of Three Hundred Pounds in Money as appeareth by his Receipt under his hand and seal bearing Date the Eighth Day of August 1654. Now I do by this my last Will and Testament not only give and bequeath unto the President Treasurer and Governors of the said Hospital of Christ Church the said Three hundred Pounds aforementioned but also I give more unto them Three Hundred Pounds to be paid them within one Year next after my Decease both which sums amounting together to Six Hundred Pounds I Will and appoint for these uses following That is to say I Will and appoint that out of the issues and Profits coming and arising of the said Sums there shall be yearly and every year for ever giving and Paid for the Putting and Placing forth of the said Hospital as Apprentices to some honest Calling or Trade Six Children vizt. Three boys and Three girls when they shall attain to their several and respective ages of Fifteen Years.

Six Pounds with a Boy and Three Pounds with a Girl to put them out Apprentice the Children of this Parish and Allhallows Barking to have the Preference.

The sum of Twenty and Seven pounds That is to say with every Boy six pounds and with every Girl three pounds a Piece and it is my further Will that these Children which shall be born in the said Parish of St. Dunstan in

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No. 4.

Extracts from Wills, &c., relating to rights of City Parishes and Affidavits verifying same.

9.)

Clause in Will of Gilbert Keate referred to in Affidavit of J. E. Shearman, Jr. and marked J.E.S. 2.

the East and in the Parish of Allhallows Barking Near the Tower of London and harboured in the said Hospital for the time being if any such be shall be From Time to Time Preferred to this my Gift before any others. And it is my further Will and desire that upon Payment of the Three Hundred Pounds aforementioned The Treasurer of the said Hospital for the time being shall give a Covenant in Writing unto my said Executors for Performance of the said Gifts according to my intent and meaning herein set forth and Declared and my request and desire is that the President Treasurer and Governors of the said Hospital for the time being will be pleased to receive every Second Year from Time to Time and Always One Poor Child out of the said Parish of St. Dunstan in the East and such Child to be taken out of the Dolphin Precinct in the first Place of the said Parish to be there educated in the said Hospital with other Children. And he Presumeth that the Governors of the said Hospital will grant this his Request in regard besides the legacy of Six Hundred Pounds herein beforementioned he hath at several times given to the said Hospital above Three Hundred Pounds more as by several Acquitances for the same may more plainly appear.

A Child in Dolphin Precinct to have the Preference.

AFFIDAVIT OF CYRIL MORTIMER MURRAY RAWLINS, filed on behalf of the Appellants The Mayor, &c., of London.

In the Privy Council.

IN THE MATTER OF the Foundation known as the Hospital of Edward late King of England the Sixth of Christ commonly called CHRIST'S HOSPITAL

AND

IN THE MATTER OF THE ENDOWED SCHOOLS' ACT 1869 and amending Acts

AND

IN THE MATTER OF a SCHEME made by the Charity Commissioners under the said Acts intituled "A Scheme for the Administration of the above mentioned Foundation."

(10.)

Affidavit of C. M. M Rawlins.

I Cyril Mortimer Murray Rawlins of 66 Gresham House Old Broad Street in the City of London Solicitor make Oath and say as follows—

1. I am Vestry Clerk of the Parish of St. James Garlickhithe in the said City of London and as such have in my custody a Book containing an Abstract of the Title to the several Estates belonging to the said Parish and

also of the Gifts given thereto and such Book contains on pages 77 and 78 an Extract from the last Will and Testament of Mr. John Phillips bearing date the 29th April 1674 under which the said Parish claims and exercises certain rights of presentation to Christ's Hospital.

(10.)
Affidavit of C. M. M. Rawlins.

2. The paper writing now produced and shewn to me and marked C.M.M.R. is a true and correct copy of such Extract concerning the benefaction of the said John Phillips to the said Parish and in respect of which the said rights of presentation are enjoyed.

Sworn at 126 Gresham House Old Broad Street in the City of London the fourth day of May 1889
Before me
J. HENRY KEMM,
A Commissioner to Administer Oaths in the Supreme Court of Judicature in England.

C. M. M. RAWLINS.

The paper writing referred to in the Affidavit of Cyril Mortimer Murray Rawlins and marked C.M.M.R.

C.M.M.R.

In the Privy Council.

In the Matter of Christ's Hospital.

This is the paper writing marked C.M.M.R. referred to in the Affidavit of Cyril Mortimer Murray Rawlins sworn in this matter this Fourth day of May 1889.

Before me

J. HENRY KEMM

A Commissioner, &c.

(11.)
Extract from Will of John Phillips referred to in Affidavit of C. M. M. Rawlins & marked C.M.M.R.

AN EXTRACT from the last Will and Testament of Mr. JOHN PHILLIPS bearing date the 29th April 1674 for putting in two children into Christ's x. Hospital for the benefit of this Parish.

IMPRIMIS. I do give devise bequeath and confirm one moyety or half part the whole in two equal parts to be divided of one Water Corn Mill called by the name of the Abbey Mill and of one messuage and of the Wharfs called

Appendix C.

No. 4.

Extracts from Wills, &c., relating to rights of City Parishes and Affidavits verifying same.

(11.)

Extract from Will of John Phillips referred to in Affidavit of C. M. M. Rawlins & marked C.M.M.R

Abbey Wharfs and of the Orchards Gardens Granarys drying Kilne and of two ffeilds of meadow ground containing eight acres or thereabouts and of the waters watercourses and other the appurtenances thereunto belonging situate lying and being in Stratford in the Parish of Westham in the County of Essex now in the occupation of Daniel Ham Miller which I lately purchased of John Curtis of the Parish of St. Phillips within the City of Bristol Mercer and of the rents and profits thereof unto my said wife Bridgett Phillips for and during the term of her natural life in recompense and satisfaction of all such part and portion thereof as she by the custom of the mannor whereof the said premisses are holden hath or can may or ought to have or claim.

Item. I do give devise and bequeath the other moyety or half part of the said mill messuage wharfs two ffeilds of meadow ground and other the premisses thereunto belonging with their and every of their appurtenances and of the rents and profits thereof unto the President Treasurer and Governours of Christ Hospital in London and their successors for ever upon the Trust following (that is to say)—Upon Trust that the President Treasurer and Governours of the said Hospital and the successors shall from time to time for ever dispose of and employ the clear rents and profits of the said moyety of the said mill messuage wharfs meadow ground and premises to them devised as aforesaid to and for the perpetual maintenance education and bringing up for ever in the said Hospital in a fitting manner and according to the good laudable custom and care of the said house of two poor children of the said Parish of St. Katherine Creechurch ats Christchurch in London and of one poor child of the Parish of St. James Garlickhith in London where I was born to be from time to time for ever presented by the Churchwardens and Overseers of the Poor of the said respective Parishes of St. Katherine Creechurch ats Christchurch and St. James Garlickhith from time to time being and to be and as touching the Reversion of the said moyety of the said mill messuages wharfs two ffeilds of meadow ground and other the premisses thereunto belonging with their and every of their appurtenances and of the rents and profits expectant upon the estate therein for the life of my said wife which I have to her devised as aforesaid I do give devise and bequeath the said reversion of the said mill messuages wharfs two ffeilds of meadow ground and and premises with their and every of their appurtenances and of the rents and profits thereof unto the President Treasurer and Governours of Christ's Hospital in London aforesaid and to their successors for ever upon the Trusts following (that is to say) Upon trust that the President Treasurer and Governours of the said Hospital and their successors shall from time to time from and after the decease of my said said wife dispose of issue and employ the clear rents and profits of the said moyety of the said mill messuages wharfs two ffields of

Appendix C.

No. 4.

Extracts from Wills, &c. relating to rights of City Parishes and Affidavits verifying same.

(11.)

Extract from Will of John Phillips referred to in Affidavit of C. M. M. Rawlins & marked C.M.M.R.

meadow ground and premisses with the appurtenances to them devised in Reversion as aforesaid to and for the perpetual maintenance education and bringing up for ever in the said Hospital in a fitting manner and according to the good and laudable custom and care of the said House of one other poor child of the aforesaid Parish of St. James Garlickhith in London from time to time for ever presented by the Churchwardens and Overseers of the poor of the said Parish of St. James Garlickhith in London from time to time being and to be and to make up two children in number of and from the said Parish of St. James Garlickhith and of two poor children of such poor members of the Company of Cooks London as by the Master and Wardens of the said Company and their successors shall from time to time for ever be presented.

AFFIDAVIT OF JOHN WILLIAM BILLINGHURST, filed on behalf of the Appellants The Mayor, &c., of London.

In the Privy Council.

IN THE MATTER OF the Foundation known as the Hospital of Edward late King of England the Sixth of Christ commonly called CHRIST'S HOSPITAL

AND

IN THE MATTER OF THE ENDOWED SCHOOLS' ACT 1869 and amending Acts

AND

IN THE MATTER OF a SCHEME made by the Charity Commissioners under the said Acts intituled "A Scheme for the Administration of the above mentioned Foundation."

(12.)

Affidavit of J. W. Billinghurst.

I John William Billinghurst of 7 Bucklersbury in the City of London Solicitor make Oath and say as follows—

1. I am Vestry Clerk of the Parish of St. Mildred Poultry in the said City of London and as such have in my custody a book called "Donor's Book being the gift of Mr. Henry Dixon one of the Parishioners of the said Parish dated 1658" on page 13 of which is contained an Extract from the Will of Mr. William Tudnam under which the said Parish claims and exercises certain rights of presentation to Christ's Hospital.

2. The paper writing now produced and shown to me and marked J.W.B. is a true and correct copy of such Extract so far as it concerns the benefaction

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No. 4.

Extracts from Wills, &c., relating to rights of City Parishes and Affidavits verifying same.

(12.)

Affidavit of J. W. Billinghurst.

of the said William Tudnam to the said Parish and in respect of which the said rights of presentation are enjoyed.

Sworn at No. 7 Bucklersbury in the City of London this 4th day of May 1889
Before me
S. H. BEHREND
A Commissioner to Administer Oaths in the Supreme Court of Judicature in England.

J. W. BILLINGHURST.

The paper writing referred to in the Affidavit of John William Billinghurst and marked J.W.B.

J.W.B.

In the Privy Council.

In the Matter of Christ's Hospital.

This is the paper writing marked J.W.B. referred to in the Affidavit of John William Billinghurst sworn in this matter this Fourth day of May 1889.

Before me
S. H. BEHREND
A Commissioner, &c.

ST. MILDRED, POULTRY.

Presentation to Christ's Hospital.

(13.)

Extract from Will of Wm. Tudnam referred to in Affidavit of J. W. Billinghurst and marked J.W.B.

EXTRACT from the Will of WILLIAM TUDNAM, circa 1657.

ITEM. I give and bequeath unto the Governors of Christ's Hospital in London the summe of one hundred and thirty pounds like mony To and for this speciall end intent and purpose that the Governors of the said Hospital shall once in every five yeeres for ever take and receive a child out of and from the Parrish of St. Mildred in the Poultry London if occasion shall happn and the Parrishioners there for the tyme being or the more pt of them shall soe require it and every such child shall entertayne harbour and provide for in manner and during such tyme or tymes as other children taken in and harboured there are usuallie provided for and kept Provided alwaies and my will minde and meaning is That if any child which shalbe soe taken into the said Hospital shall there continew living and mayntained and kept by the said Hospital Then noe other child shalbe received from the said Parrish untill such former child shall either happen to dy or otherwise be disposed of or put forth by the said Hospital.

Extracted from "Donor's Book," St. Mildred, Poultry, 1658.

J. W. BILLINGHURST,
Vestry Clerk,
St. Mildred, Poultry.

AFFIDAVIT OF HERBERT SIDNEY RUSSELL, filed on behalf of the Appellants The Mayor, &c., of London.

In the Privy Council.

IN THE MATTER OF the Foundation known as the Hospital of Edward late King of England the Sixth of Christ commonly called CHRIST'S HOSPITAL

AND

IN THE MATTER OF THE ENDOWED SCHOOLS' ACT 1869 and amending Acts

AND

IN THE MATTER OF a SCHEME made by the Charity Commissioners under the said Acts intituled "A Scheme for the Administration of the above mentioned Foundation."

I Herbert Sidney Russell of Guildhall in the City of London Clerk in the Office of Henry Homewood Crawford of the same place City Solicitor make Oath and say as follows:—

1. I crave leave to refer to an Affidavit sworn by Robert Little, William Lempriere and Thomas Edward Limmer sworn in this matter on the 9th May instant and set out in Joint Appendix A vol. 2 of the Governors of Christ's Hospital verifying the Particulars of Endowments marked L.L.L. also set out in the same Appendix and volume.

2. The printed paper now produced and shewn to me and marked H.S.R.[4] is mainly composed of particulars contained in the exhibit referred to in paragraph 1 of this my Affidavit but the same also contains further particulars which have been compiled by me from official reports records Acts of Common Council and other documents in the possession of the Corporation of London.

Sworn at No. 10 Basinghall Street in the City of London the 16th day of May 1889

Before me

W. A. DOWNING,

A Commissioner to Administer Oaths in the Supreme Court of Judicature in England.

HERBERT S. RUSSELL.

The printed paper referred to in Affidavit of

H.S.R.[4]

In the Privy Council.

This is the printed paper marked H.S.R.[4] referred to in the Affidavit of

Before me, W. A DOWNING,

PARTICULARS of some of the GIFTS AND DONATIONS to CHRIST'S by ALDERMEN OF LONDON;

Benefactor.	Date, and how given.	Benefaction.	Original purpose.
Hamond Amcott, Alderman.	1562. 28th November. Will.	3A of pasture ground at Ham Marsh, West Ham, Essex.	Toward the relief of the poor people harboured in the two Hospitals of Christ and St. Thomas the Apostle.
Sir Martin Bowes, Alderman.	1565. Deed of Conveyance.	Messuage and 2 shops in New Fish Street. Messuage in Parish of St. Matthew, Friday Street. Parcel of land within the circuit of the late Grey Friars. 2 tenements in St. Swithin's Lane. 4 tenements and several garden grounds in St. Botolph's Without, Bishopsgate, London, of the total yearly value of £24.	To the Hospital, upon trust to pay £6 13s. 4d. yearly towards the relief, aid, and comfort of the poor children kept, and to be kept within Christ's Hospital. £6 13s. 4d. towards the relief, aid, and comfort of the poor, sick and impotent people within St. Thomas' Hospital. Payment of this latter sum discontinued in 1594. £6 13s. 4d. to the Chamberlain of London for maintenance and reparations of the conduits within the City and liberties thereof for the conveyance of water therein. £3 towards the augmentation of the Dinner yearly provided for the Mayor and his brethren at the time they visit the conduit heads, at which Dinner the four Wardens of the Goldsmiths' Company, and the two Treasurers of Christ's and St. Thomas' Hospitals are to be present. And £1 in three equal parts between the Chamberlain and the said Treasurers for their pains. But in case the Mayor, &c., should omit to make such survey, the said sums of £3 and £1 to be distributed in wood or coal among the poor Almsmen of Goldsmith Hall.
Lady Anne Bacon (Widow of Alderman James Bacon)	1575. 1st December. Indenture.	Annuity of 40s. arising from 3 houses in St. Michael Bassishaw, paid by certain Trustees.	To the use of the poor in Christ's Hospital for ever, to be found and relieved or kept there for the time being.
Francis Barnham, Alderman.	1576. 1st April. Codicil to Will.	All his lands and tenements in St. Olave's, Southwark, or any other Parish adjoining thereto.	The Hospital—towards the maintenance and bringing up or finding of the poor children therein.
John Haydon, Alderman.	1584. Will Book and 27 Eliz. Bargain and Sale.	£500 to be laid out in houses or land.	For the use, behoof, and maintenance of the poor children of Christ's Hospital.
Henry Prannell, Alderman.	1589. 1st September. Will.	Annuity of £5 payable out of a tenement and houses in St. Oliff, Hart Street.	To the use and for the finding and good education of poor children within the Hospital.

Herbert Sidney Russell sworn in this matter this 16th day of May 1889.

A Commissioner, &c.

HOSPITAL, made from time to time by the CORPORATION OF LONDON; and by WIDOWS OF ALDERMEN.

Present Property.	Estimated Annual Value.	Present mode of application.
The same property.	£12	Applied as part of the General Funds of the Hospital.
63, Friday Street.	£400	£6 13s. 4d. to the Chamber of London. £4 to the Goldsmiths' Company for their poor.
Police Station in Bishopsgate Street.	£230	Residue applied as part of the General Funds of the Hospital.
Window Lights.	£2	
28 to 35, New Street.	£122	
30, Fish Street Hill.	£200	
Part of Bailiff's Court Farm, Climping, Sussex.	£27	
One-tenth part of clear profits of 4 houses in Basinghall Street.	£85	Applied as part of the General Funds of the Hospital.
133, Tooley Street; Warehouse in Golden Lane; 57, Fann Street, 5 to 17, 31 to 37, Barnham Street, and Artizans' Dwellings in same locality.	£730	Ditto.
Part of 42, High Street, Highgate.	£16	
Part of a House and Manor Farm estate at Kempston Hardwick, Beds, containing 10A. 3R. 20P.	£27	
Christ Church Tithe, Newgate Street.	£100	
Part of Brook Pit and Hobb's Farm, Climping, Sussex.	£137	
Part of Brockley Estate.	£56	
Part of 11 Clerkenwell Road, E.C.	£360	
1 and 2, Milk Street. and 5, 6 and 7, Russia Row.	£1041 10s.	Ditto.
Annuity of £5 charged on premises in St. Olave, Hart Street.	£5	Ditto.

Appendix C.

No. 6.

Particulars of some of the Gifts and Donations made by the Corporation, Aldermen, &c. to Christ's Hospital.

Benefactor.	Date, and how given.	Benefaction.	Original purpose.
Corporation of the City of London.	1584.	House at St. Mary, Spital.	For use of Children of Hospital.
	1587.	Assessment made upon Corporation, Livery Companies and inhabitants.	For maintenance of ditto.
Ditto.	1588 & 1589.	Contributions made from Sheriffs' fines.	Ditto.
Sir Wolstone Dixey (Lord Mayor in 1585)	1592. 15th May.	A rent charge of £42 per annum charged on property in Wilts.	For and towards the relief of the poor children in Christ's Hospital.
William Elkine, Alderman.	1593. 3rd November. Will.	£800 to be paid when Governors have bought lands or rents of £40 per annum.	Towards the relief of the poor children harboured in Christ's Hospital, and other charitable uses, subject to following payments: £10 every year for the maintenance of a Reader to read services and teach children to read, as also the principles of their faith, and sound religion in a chapel called Ore Chapel, in the County of Salop, and in the parish of Mucclestone, and 12 pence in money or bread to the Parson and Churchwardens of St. Michael's Bassishaw, to be distributed by them to the poor householders of the said parish.
Sir Thomas Ramsey, (Lord Mayor in 1577) Alderman, and Dame Mary his Wife.	1583 29th September. Indenture of Bargain and Sale.	Priory of Berden Church and Churchyard, and all messuages, mills, and hereditaments thereto belonging, and the Rectories of Berden and Clavering, and the tithes belonging to the said Rectories, and all the manors and hereditaments of the said Dame Mary in Berden, Maunden, Elsenham, Henham, Takeley, Rykeling, Clavering, Ugley, and Rochford, in the County of Essex, and in Burnt Pelham, Stocking Pelham, and Reed, in the County of Herts, and all other her manors and hereditaments situated in the said Counties.	£10 yearly to poor of St. Bartholomew's, £10 to poor prisoners, £40 to the Master of St. Peter's College, (if the Bishop of Ely) towards the maintenance and bringing up in learning of 4 poor scholars at the said College, at £3 6s. 8d. each, and the maintenance of 2 Fellows at £13 6s. 8d. each; residue for the sustentation, maintenance, and bringing up of poor infants and children in Christ's Hospital.
Dame Mary Ramsey as above.	1596 19th January. Will.	Messuage, &c., in Parish of St. Peter-the-Poor, London, of yearly rent of £10.	To the Parson and Churchwardens of the several parishes hereinafter mentioned, to the use, benefit, and behoof of the poor dwelling in the said parishes, viz.: St. Peter-the-Poor, £4; St. Andrew Undershaft, £3; St. Mary Wolnothes, £3 yearly.
	1601. 8th July. Codicil reciting Purchase and Conveyance.	Manor of Gain's Colne, Essex.	For the maintenance of a Schoolmaster of a free Grammar School in Hawstead, Essex, at the yearly stipend of £20.

Present Property.	Estimated Annual Value.	Present mode of application.
..	..	Sold in 1799 for £1000.
Portion of the site of the Hospital's Gymasium fronting Giltspur Street.	..	£10 to Schoolmaster at Woore. £2 12s. to Churchwardens of St. Michael's Bassishaw.
Tithes of Berden, Clavering, and Langley, Essex.	£743	£10 yearly to St. Bartholomew's Hospital for their poor. £10 applied as part of the General Funds of the Hospital (under order of V. C. Bacon, 1877). £40 yearly to St. Peter's College, Cambridge. £150 yearly to Curate of Berden for stipend. £20 to poor and schools of Berden. £25 to poor and schools of Clavering. Residue applied as part of the General Funds of the Hospital.
Berden Estate, inclusive of part of Brick House Farm (except Dewes Green, Berden Hall, Martin's, Little London, and Rooke's Farms); also land at Rickling, Elsenham, Hawkwell, and Rochford.	£742	
Part of National Bank, Old Broad Street.	£303 8s. 6d.	For the poor of the Parish of St. Peter-le-Poor. £123 6s. 8d.: St. Andrew Undershaft, £92 10s.; St Mary Woolnooth, £92 10s. (By Decree in Chancery, 20th of March, 1841).
Gain's Colne Estate and Manor. Part of Sibley's and Martin's Farms, Berden.	£250 10s. 10d. £3 10s.	£100 per annum to the Trustees of the Halstead Grammar School (by orders of Court of Chancery, 21st July, 1854, and 14th Nov., 1857).

Appendix C.

No. 6.

Particulars of some of the Gifts and Donations made by the Corporation, Aldermen, &c. to Christ's Hospital.

Benefactor.	Date, and how given.	Benefaction.	Original purpose.
Dame Mary Ramsey (*continued*).			For the maintenance of a Writing School at Christ's Hospital, with a Master and Usher to teach as well poor men's children of the City of London as the children of the said Hospital to write and cast accounts, and upon the said Schoolmaster and Usher to employ and bestow yearly the sum of £20.
			£20 a year for 10 poor widows, towards their better relief.
		£2000 to be laid out in the purchase of lands and tenements of the yearly value of £100.	£40 to be yearly distributed upon or towards the maintenance of 12 poor scholars in the Universities of Cambridge and Oxford, viz., in either of the said Universities, 6; to every of which scholars there shall be yearly paid, by way of Exhibition, 5 marks.
			£20 to be bestowed upon 10 poor maimed soldiers which have served in the wars, to be continued as pensions to the yearly value of 40s. a-piece; 20s. a-piece to be paid to 2 several preachers which shall be appointed to preach in Christ's Church yearly by the Treasurer and Governors of the said Hospital, one upon St. Stephen's Day, and another upon the first Sunday in Lent.
			Also yearly to every of the 10 poor widows before mentioned, a gown, and to every of the said maimed soldiers, a coat, a cap, and a pair of shoes.
			To him that shall have the keeping of the monument in Christ's Church, which is already prepared for the interring of my body, the yearly allowance of 10s.
			To the Churchwardens of Christ's Church, to be disposed of according to the necessity of the poor of the said parish, the sum of 50s. at their discretions.
			And the remainder of the said yearly value of a revenue of £100 to be paid yearly by way of distribution to such and so many of such poor parishes in London as to the discretion of the said Governors shall be thought meet, the account whereof to be kept by itself, because the distribution of the same may the better appear.
		£500 further for purchase of lands, &c.	Release of prisoners for debt.
Richard Gurney, Alderman.	1596. 5th October. Will.	Annuity of £5 payable by the Haberdashers' Company.	To the Hospital.
Edmund English, and Gift of Sir Humphrey Weld. (Lord Mayor in 1608)	1602. 1st April. Will. 1611. 7th August. Bargain and Sale.	£100 to be laid out in land.	To be employed for ever to the relief of the poor children and others in Christ's Hospital.

Present Property.	Estimated Annual Value.	Present mode of application.
£125 6s. 6d. Old Consols in Court.	£4	£20 included in the salary of the first Commercial Master (formerly the Writing Master).
Part of Bailiff's Court Farm, Climping, Sussex.	£6	
Strips of land in Fore Street laid with other property of the Hospital there.	£20	£20 paid in pensions to widows.
⅓ths of an estate at Horley (including the Manor and Tithes).	£923	£40 paid to University scholars.
⅓ths of £726 5s. 2d. Consols in Court.	£17 8s.	£20 paid to 10 old soldiers. £32 paid for clothing for said widows and soldiers.
⅓ths of portion of Brook's Pit and Hobb's Farm, Climping, Sussex.	£8	
..	..	10s. a year to Sextoness of Christ's Church.
..	..	£2 10s. paid to Churchwardens of Christ's Church.
..	..	Balance of £100 distributed from time to time to poor parishes in London. Residue applied as part of the General Funds of the Hospital.
The remaining ⅓th part of the three last-mentioned properties.	£164	Now applied as part of the General Funds of the Hospital (under order of Court of Chancery, 1877).
Annuity of £5 payable by the Haberdashers' Company.	£5	As part of the General Funds of the Hospital.
Portion of Berden Hall Manor and Farm.	£52	Ditto.

Appendix C.

No. 6.

Particulars of some of the Gifts and Donations made by the Corporation, Aldermen, &c. to Christ's Hospital.

Benefactor.	Date, and how given.	Benefaction.	Original purpose.
George Bishop, Alderman.	1607. 25th February. Will.	Annuity of £6 payable by Stationers' Company.	To the Hospital.
William Walthall, Alderman.	1608. 16th July. Will.	Annuity of £10 payable by *Mercers' Company.*	To the maintenance and relief of the poor children in Christ's Hospital.
Corporation of the City of London.	1605.	The function of licensing carts which had been previously transferred by the Corporation from the Woodmongers' Company to the Hospital was re-transferred to the Company, subject to a payment of £150 a year to the Hospital.	Ditto.
Sir William Craven, Alderman and President. (Lord Mayor in 1610)	1612. 24th July. Indenture of Bargain and Sale.	Rectory and Church of Ugley, houses, tithes, &c., there.	£10 yearly for the use, relief, and maintenance of the Vicar of Ugley; residue for the better maintenance and bringing up of the Hospital children.
Sir Thomas Bennett, Alderman. (Lord Mayor in 1603)	1616. 17th January. Indenture.	Annuity of £20 payable by Mercers' Company. $\frac{3}{8}$ths residue of his estate.	Towards the relief of the poor children at Christ's Hospital.
Dame Margaret Slaney (widow of Alderman Slaney).	1618. 20th July. Will.	£300 to be laid out in the purchase of lands.	To the relief of the poor children of Christ's Hospital.
Ditto.		6s. 8d. per cent. per annum upon capital and accumulations of £2000 given by Donor to Grocers' Company.	To be bestowed on the poor of the Hospital.
Dame Mary Weld, Widow of Sir Harry Weld, Alderman.	1630. 11th June. Indenture reciting Will.	£2000 to Haberdashers' Company for purchase of Rectories or Parsonages impropriate in fee simple. An annual account to be rendered to Governors of Christ's Hospital, and 5 marks paid to them. Also £500 to be invested in land.	Towards the relief of the poor children in the Hospital. Unto and for the relief, maintenance, and education of the poor children now harboured, and hereafter from time to time to be harboured in the said Hospital.
Sir Christopher Clitherow, Alderman, President. (Lord Mayor in 1635)	1625. 27th April. Indenture.	Annuity of £4 3s. 4d., together with 16s. 8d. already charged on premises in Fenchurch Street.	To 2 poor Scholars of Christ's Hospital to be sent from the Grammar School of the said Hospital to the University of Oxford, and, if it may be conveniently to St. John's College there, the yearly sum of £10 and they to enjoy the same until they attain the age of 30 years.
Sir John Leman, (Lord Mayor in 1616)	1631. December, 17th	A rent charge of £100 a year charged on lands at Barnes.	For the relief and use of the poor children harboured and to be harboured in Christ's Hospital.

Present Property.	Estimated Annual Value.	Present mode of application.
Annual sum payable by the Stationers' Company.	£6	As part of the General Funds of the Hospital.
Annual sum payable by the *Stationers' Company.*	£10	Ditto.
Tithe and farm at Ugley, Essex.	£363 8s. 6d.	£10 a year plus £30 for a benevolence paid to Vicar of Ugley. Residue applied as part of the General Funds of the Hospital.
$\frac{3}{8}$ths of rents of Rectory and Estate at Kirton, Lincolnshire, payable by the Mercers' Company.	£79 4s. 10d.	As part of the General Funds of the Hospital.
£431 11s. 9d. New Consols in hands of the Company.	£12 19s.	Ditto.
Part of Duxhurst, Collendean, and Lowfield Heath, Horley.	£52	Ditto.
Annuity averaging £18 payable by the Grocers' Company.	£18	Ditto.
Annual sum of £3 6s. 8d. payable by the Haberdashers' Company. Not now to be identified.	£3 6s. 8d.	Ditto.
The foregoing annuity.	£5	Appropriated towards an Exhibition for one of the Hospital's scholars at the University.
..	..	Sold in 1799 for £2400.

Appendix C.

No. 6.

Particulars of some of the Gifts and Donations made by the Corporation, Aldermen, &c. to Christ's Hospital.

Benefactor.	Date, and how given.	Benefaction.	Original purpose.
Sir Edward Barkham, Alderman. (Lord Mayor in 1621)	1632. 14th January. Will.	Annuity of £6 13s. 4d. from house in Cheapside.	For the benefit and use of the poor children in Christ's Hospital.
Ralph Freeman. (Lord Mayor in 1633)	1633. 3rd July.	£20 per annum to be paid by the Company of Merchant Adventurers.	
Sir John Gayer, Alderman and President. (Lord Mayor in 1646)	1641. 8th March. Will. 1649. 21st May. Articles of Agreement.	£500 to purchase lands for the use of the children in Christ's Hospital.	£25 a year to be applied as under: For 7 years 5 boys, fatherless and motherless, if convenient, to be placed out to honest men of good life and fame, that they may be brought up in the knowledge and fear of God, and also to learn a trade, whereby, by God's blessing, they may after live by it in a just and honest way; and the master that takes him or them apprentice to have with every of them £6 6s. 8d. and 8 years' services at the least; and at the same time to place 3 fatherless and maiden children of the same house to be placed apprentices for so long time as the Governors shall think fit, to be bred and brought up as aforesaid, and to give to the party they, or any of them, shall be placed with, 33s. 4d. with every one of them. The £25 every eighth year for ever to be bestowed as under: To the Minister that preacheth the sermon at Christ Church £1 10s.; to the Clerk or Reader, 5s.; to the Sexton that tells the bell to give notice of the sermon, 2s.; for collation in wine and cakes to Governors before sermon, £3; to the Treasurer of the house for a pair of gloves, £1 10s.; to the Clerk of the Governors' Court, £1; to the Under Clerk of the Court, 10s.; to the Steward of the Hospital, £1; to the Grammar Schoolmaster of the said Hospital, £1; to the English ditto, £1; to the Matron of the said Hospital, £1; to 2 Scholars sent from the Hospital to either University, being Masters of Arts, £5 each; remainder for a dinner or other cakes for the children of the Hospital, as the Treasurer shall think fit, £3 3s.
Corporation of the City of London.	1620. Act of Common Council.	Act enacted that one half of all fines and forfeitures incurred by Billingsgate Porters should be paid to use of Hospital.	To use of Hospital.
John Perryn, Alderman.	1656. 13th March. Probate of Will.	Annuity of £5. Annuity of £5.	Towards the maintenance of the poor children in Christ's Hospital. Towards the maintenance of one scholar that shall be bred up a Blue Coat in Christ's Hospital and shall from thence be sent by the said Hospital to one of the Universities, either Oxford or Cambridge, for his encouragement to study.

Present Property.	Estimated Annual Value.	Present mode of application.
Annual sum charged on 127, Cheapside, E.C.	£6 13s. 4d.	As part of the General Funds of the Hospital.
Not now to be identified.	..	£25 yearly for 7 years out of 8 years applied for apprenticing children. £25 applied each eighth year in manner prescribed by the Donor.
Not now to be identified.	..	£5 appropriated annually to the Exhibition Fund.

Appendix C.

No. 6.

Particulars of some of the Gifts and Donations made by the Corporation, Aldermen, &c. to Christ's Hospital.

Benefactor.	Date, and how given.	Benefaction.	Original purpose.
Sir John Wollastone, Alderman. (Lord Mayor in 1643)	1658. April 13. Will.	£100 a-year. £12 a-year was given to Hospital by benefactor during his lifetime.	
Sir John Chapman, (Lord Mayor in 1688)	1669. Nov. 3. Gift.	£100 for the purchase of land of the anuual value of £5.	To bestow £10 every second year on a young man educated at the Hospital, who has served as an apprentice and is a Freeman of the City.
Sir Robt. Clayden, Alderman. (Lord Mayor in 1679)	1670.	Built south range of buildings over old Cloister and otherwise materially aided Hospital after great fire.	
Sir Saml. Starling, Alderman. (Lord Mayor in 1669)	1763. Aug. 7.	Premises in Giltspur Street,	For the better support and maintenance of the poor children of the Hospital for ever.
Sir John Smith, Knight and Alderman.	1673. 2nd October. Deed Poll (carrying out Will), 24th May, 1673.	Legacy of £200.	"Once in 2 years for ever" shall be paid the sum of £13 6s. 8d. for the setting up of some poor young man that hath been brought up in the said Hospital, and have served an apprenticeship to some Freeman of the City of London. And also, "once in 2 years for ever" there shall be paid the sum of £6 13s. 4d. by way of Exhibition to 1 poor scholar that is either at Cambridge or Oxford, and that hath been brought up in the said Hospital.
Sir Francis Chaplin, Alderman. (Lord Mayor in 1677)	1679. January 4th. Will (Codicil).	£200.	The proceeds of it is to put out a Clothworker's son to apprentice every year.
Sir John Moore, Alderman and President. (Lord Mayor in 1681)	1681. Donation.	£500 for the purchase of land.	"Given by his Lordship to the use and benefit of the poor children harboured in Christ's Hospital, London, for the purchasing of land and tenements, that out of the same there may be raised £20 per annum, to be bestowed for and towards the putting forth of 4 children out of the said Hospital apprentices to some honest trade or calling yearly."
Sir John Frederick, Alderman and President. (Lord Mayor in 1661)	1684. Will.	£400 to be laid out in the purchase of land or ground-rents of the value of £20 a year at least. £100 to be laid out in the purchase of land of the annual value of £5.	"£10 a-piece shall be given every 2 years to 4 poor children of the said Hospital for the placing them out apprentice unto the better trades." "£5 per annum I Will shall yearly and every year be expeuded in eutertaining such of the Governors as shall be appointed visitors of the said Schools (the Hospital's) and such other as shall come to the said examination, with wine, ale, and cakes, or the like friendly entertainment."

Present Property.	Estimated Annual Value.	Present mode of application.
Charge on property purchased in 1691.	£5	Applied according to donor's directions, if a qualified candidate applies (£60 arrears).
.. ..	..	Sold in 1787 for £75.
Not now to be identified.	..	Applied towards setting up in trade a former scholar of the Hospital, who has served his apprenticeship to a Freeman of the City.
.. ..	..	Appropriated for Exhibitions to scholars at the Universities of Oxford and Cambridge.
Charge on property purchased in 1691.	£10	£10 a-year applied towards apprenticing boys.
Charge on property purchased in 1691.	..	£20 a year applied for apprenticing boys.
Charge on property purchased in 1691.	£20	£20 a year applied for apprenticing children.
Charge on property purchased in 1691.	£5	£5 a year applied in part payment of the bill for the examination day dinner.

Appendix C.

No. 6.

Particulars of some of the Gifts and Donations made by the Corporation, Aldermen, &c. to Christ's Hospital.

Benefaction.	Date, and how given.	Benefaction.	Original purpose.
Corporation of the City of London.	1668. Order of Common Council.	Chamberlain directed to pay £500 to Hospital.	Towards repair of so much of Hospital as was destroyed or damaged by the great fire.
John Fowke, Alderman. (Lord Mayor in 1652)	1686. Will.	5 messuages in Tower Street and Water Lane, St. Dunstan-in-the-East, and warehouses, cellars, and vaults under the same, and under yards thereof.	To the Governors of the Hospital, "for the maintenance and education of 8 poor boys in Christ's Hospital, aforesaid, for ever, whom I do Will and appoint to be taken into the said Hospital from time to time from these several parishes following, that is to say, 2 of the said 8 from the parish of St. Dunstan-in-the-East, in London, 2 of them from the parish of Allhallows, Barking, in London, 2 of them from the parish of Barking, in the county of Essex, and 2 of them from the parish of Woodford, in the county of Essex," and "from thence preferred according to the laudable custom and usage of the said Hospital"
			Residue of rents and profits "for and towards the relief and maintenance of the rest of the poor children which are and shall be from time to time for ever harboured in the same Hospital."
		Moiety of residue of personal estate.	"For the relief and maintenance of the poor children harboured, or to be harboured, in the said Hospital."
		Moiety of interest in leasehold house in Water Lane.	"For the like uses intent and purposes as the aforesaid freehold messuages and premises hereinbefore to them devised are hereby declared to be."
		Half share in residue of proceeds of sale of premises in Barking and Woodford, Essex.	"For and towards the relief and maintenance of the poor children which shall be from time to time for ever harboured in the aforesaid Hospital called Christ's Hospital, in London."
Sir Robert Vyner, Alderman. (Lord Mayor in 1674)	1688. Will.	Annuity of £8 2s., the interest of £270 charged upon the hereditary excise, representing $\frac{1}{10}$th of $\frac{3}{4}$ths of the overplus of the Estate.	"To the only proper use and benefit of the said Hospital for ever."
		£200.	..
Sir Francis Child, Alderman. (Lord Mayor in 1698 and 1731).	1695.	Various sums of money.	
Alderman Heysham	1695.	Ditto.	
Corporation of the City of London.	1709. July. Lease.	Lease of ground, part of the Town ditch near the Hospital, for a term of 941 years, from Lady Day, 1750, at a rent of £5 per annum.	..

Present Property.	Estimated Annual Value.	Present mode of application.
Nos. 26 and 27, Great Tower Street, and Nos. 7 and 8, Fowkes Buildings, Water Lane.	£970	Applied partly in maintaining and educating 8 children, and partly as part of the General Funds of the Hospital.
Not now to be identified.		
Ditto.		
Ditto.		
Ditto.		
Ditto.		
Part of the site of the Hospital and burying ground.	..	£5 paid to Chamber of London for rent.

Appendix C.

No. 6.

Particulars of some of the Gifts and Donations made by the Corporation, Aldermen, &c. to Christ's Hospital.

	Benefaction.	Date, and how given.	Benefaction.	Original purpose.
	Sir George Merthins, Alderman and President. (Lord Mayor in 1724)	1725. Will.	£150.	"That yearly upon the 6th day of February (being the birthday of her late majesty, Queen Anne), for ever, the poor children harboured and residing within the said Hospital, in London, with the nurses may, instead of their annual dinner on that day, with the aid of their usual allowance or expenses thereof, have legs and shoulders of veal for their dinner."
10	George Butteris. Alderman,	1763. Will.	A sum of £546 4s. 1d.. being the residue of his personal estate.	"As a consideration for receiving from time to time into the said Hospital, to be there maintained, clothed and educated in such and the same manner as other children are maintained, clothed, and educated there, such boy as shall from time to time, pursuant to this my Will, be nominated and presented to them, the said Governors, by the Mayor and Aldermen of the said borough of Hertford."
20	Corporation of the City of London.	1789. November. Lease.	Lease of ground and buildings on east side of Giltspur Street, and 7 messuages in Blue Coat Buildings, &c., for a term of 880 years from Lady Day, 1811, at a rent of £5 per annum.	.. ..
	Ditto.	1802. 2nd December. Order of Common Council.	£1000.	Towards the gradual rebuilding of Christ's Hospital on its present site.
30	Ditto. Aldermen & Common Councilmen.	1782 to 1835.	£8,565 contributed to funds of Hospital.	To general use of Hospital.

Present Property.	Estimated Annual Value.	Present mode of application.
Not now to be identified.	..	£7 10s. a year applied in part payment of the butcher's bill.
Ditto.	..	1 boy always maintained in the Hospital from All Saint's parish, Hertford, upon the presentation of the Trustees of the Charities of the borough of Hertford.
Part of site of Hospital. *N.B.*—1 and 2, Blue Coat Buildings sold in 1864, and proceeds invested in part of 44, St. Mary Axe, and Little London Farm, Berden.	..	£5 paid to the Chamber of London as rent.

In the Privy Council.

IN THE MATTER OF CHRIST'S HOSPITAL

AND

IN THE MATTER OF THE ENDOWED SCHOOLS' ACT 1869 and amending Acts

AND

IN THE MATTER OF a SCHEME made by the Charity Commissioners under the said Acts intituled "A Scheme for the Administration of the above mentioned Foundation."

JOINT APPENDIX C

OF

THE APPELLANTS,

THE MAYOR, &c., OF LONDON.

THE CITY SOLICITOR,
Guildhall.

FARRER & CO.,
66, Lincoln's Inn Fields.

Printed by D. Wood & Son, No. 16, Basinghall Street, E.C.

In the Privy Council.

IN THE MATTER of the FOUNDATION known as THE HOSPITAL of EDWARD late King of England the Sixth of Christ commonly called CHRIST'S HOSPITAL;

AND

IN THE MATTER of the ENDOWED SCHOOLS ACT 1869 and amending Acts;

AND

IN THE MATTER of a Scheme made by the Commissioners under the said Acts intituled "A Scheme for the Administration of the "above-mentioned Foundation."

CASE

Of the PETITIONERS, the PRESIDENT and GOVERNORS of the HOSPITAL, founded at the sole costs and charges of THOMAS GUY, Esq., hereinafter referred to as "GUY'S HOSPITAL."

1. By the Will of the above-mentioned Thomas Guy, dated the 4th of September, 1724 (after referring to a Corporation which he intended should be obtained for the purposes of the Hospital thereinafter mentioned), the Testator made among other devises and bequests the bequest following, that is to say:—
"I give to the President and Governors of Christ's Hospital in London, and "their successors for ever, one annuity or yearly sum of £400, to be paid by "my said executors till such intended Corporation shall be obtained and take "effect, and then by such intended Corporation or their treasurer for the time "being, provided nevertheless and upon this condition that my said executors "and such intended Corporation and their successors shall have liberty from "time to time to nominate and put into Christ's Hospital aforesaid yearly and "every year for ever, at Easter or within six months after, such four poor "children boys or girls, whether orphans or otherwise, or the children of "freemen of the City of London or unfreemen, not less than seven or more "than ten years of age, as my said executors or the said intended Corporation "and their successors shall think fit (with preference to my relations as often

" as any such shall offer themselves), who shall be received into the said " Hospital and have the maintenance and education thereof, and be continued " therein in like manner as other children are maintained and educated in the " said Hospital. And my my (*sic*) Will is that in case and as often as the said " President and Governors of Christ's Church Hospital shall neglect or refuse " to take in and maintain the said number of boys and girls to them nominated " and qualified as aforesaid, it shall be lawful to my said executors and the " said intended Corporation, and they are hereby directed and desired to apply " the said annual sum of £400 to the education and maintenance of such four " poor children as aforesaid in such other school or place and in such other " manner as they shall think fit." And the said Testator after making several other devises and bequests (including some gifts for other charitable purposes) gave the residue of his real and personal estate (after payment of his debts, legacies and funeral charges as therein mentioned, and subject to the payment of the several annuities and yearly sums thereinbefore bequeathed) unto the nine persons therein named, their heirs, executors, administrators and assigns respectively upon the trusts and for such uses, intents and purposes as were therein directed, and he appointed the same nine persons executors of his said Will, and after giving directions as to the erection, finishing and furnishing of the buildings in Southwark by him then begun and intended for an hospital, and as to the class of persons who were to be inmates of the said hospital, and as to the regulation thereof, the said Testator for the better and more regular disposition and management of the affairs and business of the said intended hospital, and for perpetuating the charity thereby intended and the provision for the same, thereby ordered his executors and trustees forthwith after his decease to endeavour to obtain Letters Patent under the Great Seal or an Act of Parliament incorporating them, his said executors and trustees, together with certain other persons therein named or referred to, into one distinct and separate body politick and corporate, with perpetual succession, for the better managing and governing of the said intended hospital, and for the better settling and applying the residue of his estate for such uses as are therein referred to.

2. The said Testator died on the 27th of December, 1724, and his said Will was shortly afterwards duly proved in the Prerogative Court of Canterbury.

3. By an Act passed in the 11th year of King George the First, intituled " An Act for incorporating the Executors of the last Will and Testament of " Thomas Guy, late of the City of London, Esquire, deceased, and others, in " order to the better management and disposition of the Charities given by his " last Will"; it was enacted that certain persons therein named (and including the nine persons who were by the said Testator's Will appointed the executors thereof) should be and they were thereby declared to be incorporated by the name of " The President and Governors of the Hospital founded at the sole " costs and charges of Thomas Guy, Esquire."

4. From the time of the passing of the last-mentioned Act down to the year 1830, the President and Governors of Christ's Hospital were paid by Guy's Hospital, and accepted from them, the annuity of £100 bequeathed by the said Will, and Guy's Hospital, from time to time during that period, nominated every year, at Easter, or within six months thereafter, four children to be put into Christ's Hospital, in accordance with the terms of the said Will.

5. In or about the year 1830 the Governors of Christ's Hospital declined to accept the nominations of Guy's Hospital, and claimed to be at liberty to abandon the gift of the said annuity, together with the condition thereto annexed, and an information was thereupon filed in the High Court of Chancery by Her Majesty's Attorney-General at the relation of Guy's Hospital, against the President and Governors of Christ's Hospital, for the purpose of compelling the latter to admit the children as nominated from time to time by Guy's Hospital, and upon the hearing of such information it was decided (see 1 Russell & Mylne's Chancery Reports, p. 626, a copy of which is set out in the Appendix D, p. 9) that as the said annuity of £400 was given to the President and Governors of Christ's Hospital and their successors for ever, and having been once accepted by them, they were for ever bound by the condition, and were not at liberty to retire from it at their pleasure; and that the provision which enabled Guy's Hospital to apply the said annuity in another manner if the President and Governors of Christ's Hospital should refuse or neglect to act under the condition did not authorise such refusal or neglect, but was merely a collateral remedy to secure, at all events, the Testator's charitable intention.

6. This decision was not appealed from, and has ever since been acquiesced in by the President and Governors of Christ's Hospital; and Guy's Hospital has, in every year up to Easter last, nominated four children to be put into Christ's Hospital, who have been educated and maintained free of all expense whatsoever, and otherwise in the same manner as the other objects of such Charity (such maintenance including the clothing of the children), and such children have been so educated and maintained accordingly.

7. Although the said Thomas Guy died a bachelor, he left him surviving a very numerous body of collateral relations, and in every year since his death there have been candidates (claiming relationship to him) for the nominations to Christ's Hospital so vested in Guy's Hospital as aforesaid, and, in fact, the number of such candidates has, in every year, exceeded the number of nominations at the disposal of Guy's Hospital.

8. Before any such candidate has been so nominated as aforesaid, strict proof that he or she was a relation of the said Thomas Guy has always been required by Guy's Hospital, and the fact has always been established to their satisfaction.

9. At the date when such children are so nominated by Guy's Hospital as aforesaid, they are, by the terms of the said Will, bound to be between the ages of seven and ten years, and they generally remain in Christ's Hospital

from six to eight years each; but, taking six years as the average period of residence of each such child, it appears that the average number of children, for the time being, in Christ's Hospital, who have been so nominated as aforesaid, has always hitherto been twenty-four.

10. A draft of the above-mentioned scheme was in March, 1885, published by the Charity Commissioners for England and Wales acting under the provisions of the above-mentioned Act. Such scheme was afterwards amended, and as amended was on the 8th of March, 1886, submitted to the Committee of Council on Education for their approval, and on the 15th of June, 1888, such Committee approved the said scheme and caused the same to be published. Some correspondence took place between the treasurer of Guy's Hospital and the Charity Commissioners in relation to the said scheme, but no alteration or amendment was made therein to meet the views of Guy's Hospital.

11. The said annuity of £400 a year so bequeathed by the said Thomas Guy is one of the endowments dealt with by the said scheme, and Guy's Hospital claim to be the "Governing Body" within the meaning of the above-mentioned Acts of that endowment. Such endowment is by said scheme directed to be applied wholly for the educational purposes thereof, and by the 85th clause of such scheme, the parents or next friends of all children who are able to contribute substantially towards their education and maintenance will be bound to contribute to the General Fund of the Foundation from £10 to £20 per annum as the Council of Almoners shall in each case direct, and, by the 85th and 86th clauses thereof, certain qualifications on the part of the parents or next friends of the children or of the children themselves are required, the ascertaining of which is placed in the hands of the Council of Almoners and by the 99th clause thereof it is provided in effect that for a period of 20 years from the date of such scheme eight places on the foundation only shall be reserved in respect of the trusts of the Will of the said Thomas Guy for children to be presented by Guy's Hospital and that such nominees shall be confined to children who are relations of the said Thomas Guy. Moreover the benefits so purported to be reserved by this clause in favour of Guy's Hospital and the relatives of the said Thomas Guy are prejudically affected by the provisions contained in the 60th clause of the said scheme.

12. It appears therefore that the said scheme abolishes or modifies the privileges or educational advantages to which children who are relations of the said Thomas Guy are at present entitled, and does not have due regard to the educational interests of such class of children, for the number of such children who during the period of 20 years will be capable of being nominated by Guy's Hospital will be very materially reduced, and at the end of that period no such child will, for ever thereafter, be capable of being so nominated. In addition to this serious objection, the parents or next friends of the few children who are relations of Thomas Guy, and who may be so nominated during the aforesaid period may be compelled to contribute towards the maintenance and education of such children, and the requirements or qualifications required by the said

scheme will be inquired into by the Council of Almoners alone, and Guy's Hospital will have no voice on such inquiry.

13. Guy's Hospital also feels aggrieved by the said scheme because instead of having a perpetual right of nominating in every year four children, they will only have a restricted right of nomination for the limited period of 20 years, and also that having regard to the present number of children in Christ's Hospital who have been so nominated by Guy's Hospital as aforesaid, and to the ages of such children, it is probable that the right of Guy's Hospital to make any nomination will be altogether suspended for some years, and even when such right of nomination again takes effect the number of nominations which are by the said scheme in effect reserved to Guy's Hospital will, in every year in all probability be considerably reduced.

14. The probable practical result of the said scheme so far as relates to the number of children who will be capable of being nominated by Guy's Hospital during the period of 20 years appears from the affidavit of Mr. E. H. Lushington (the treasurer), a copy of which is set out in the Appendix D, p. 11.

15. If Her Majesty by Order in Council think fit to approve the said scheme generally and in other respects, Guy's Hospital nevertheless submits that the said endowment or annuity of £400 should be withdrawn from such scheme, and that effect should be allowed to be given to the alternative gift contained in the Will of the said Thomas Guy, which was to come into operation in case the children nominated by Guy's Hospital should not be admitted into Christ's Hospital and that Guy's Hospital should be authorised or permitted to apply the annuity of £400 as in the said Will is directed on the happening of this event, and that clauses should be inserted in the said scheme for carrying this into effect.

16. Guy's Hospital crave leave to refer in its entirety to the said scheme and submit that the same ought not to be approved of in respect of the matters and questions which directly affect and aggrieve them and the class of children who are eligible as their nominees for the following among other

REASONS.

1. Because the said scheme (so far as it relates to Guy's Hospital and the class of children who are eligible as their nominees) is one which is not within the scope of or made in conformity with the Endowed Schools Act 1869 and the amending Acts.
2. Because the said scheme (so far as it relates to the class of children who are eligible as the nominees of Guy's Hospital) has not due regard to the educational interests

to which regard is, by the Endowed Schools Acts, required to be had, and abolishes or modifies privileges and educational advantages, to which that class of children or children in that class of life are entitled.

3. Because the said scheme reduces the number of children to be nominated by Guy's Hospital in each year, and may impose contributions on the parents or next friends of those children who are so nominated.

4. Because the said scheme, during the period of 20 years, prejudicially affects the rights and interests of the children, who are relatives of the said Thomas Guy; and, at the expiration of such period, altogether deprives Guy's Hospital of any right of nomination, and altogether abolishes the rights of the relations of the said Thomas Guy.

5. Because the said scheme limits the class of children from which Guy's Hospital may select their nominees.

6. Because the said scheme deprives Guy's Hospital of the right reserved to them by the said Will of the said Thomas Guy, in the event of Christ's Hospital neglecting or refusing to take in and maintain four children duly nominated by them (which neglect or refusal will in effect eventually happen), of applying the said annuity of £400 to the education and maintenance of four poor children in such other school or place, and in such other manner as Guy's Hospital may think fit.

7. Because the said scheme, so far as it relates to Guy's Hospital, both as the Governing Body of this endowment of £400 per annum and otherwise, and also to the class of children who are eligible as their nominees is unjust and inexpedient.

HENRY B. HOWARD.

In the Priby Council.

IN THE MATTER OF CHRIST'S HOSPITAL;

IN THE MATTER OF THE ENDOWED SCHOOLS ACTS;

AND

IN THE MATTER OF A SCHEME FOR THE ADMINISTRATION OF CHRIST'S HOSPITAL.

CASE

IN SUPPORT OF THE PETITION OF GUY'S HOSPITAL.

WINTER & CO.,

16 *Bedford Row, W.C.,*

Solicitors for Guy's Hospital.

Spottiswoode & Co., Printers, New-street Square, London.

In the Privy Council.

IN THE MATTER of the FOUNDATION known as THE HOSPITAL of EDWARD late King of England the Sixth of Christ commonly called CHRIST'S HOSPITAL;

AND

IN THE MATTER of the ENDOWED SCHOOLS ACT 1869 and amending Acts;

AND

IN THE MATTER of a Scheme made by the Commissioners under the said Acts, intituled "A Scheme for the "Administration of the above-mentioned Foundation."

APPENDIX D.

WINTER & CO.

Solicitors for the Petitioners, Guy's Hospital.

FARRER & CO.

Solicitors for the Charity Commissioners.

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In the Privy Council.

IN THE MATTER of the FOUNDATION known as THE HOSPITAL of EDWARD late King of England the Sixth of Christ commonly called CHRIST'S HOSPITAL;

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IN THE MATTER of a Scheme made by the Commissioners under the said Acts intituled "A Scheme for the Administration of the "above-mentioned Foundation."

APPENDIX D.

No. 1.

The Petition of Guy's Hospital.

To the QUEEN'S MOST EXCELLENT MAJESTY in COUNCIL.

The HUMBLE PETITION of the PRESIDENT and GOVERNORS of the HOSPITAL founded at the sole costs and charges of THOMAS GUY, Esquire,

SHEWETH as follows:

1. By the Will of the above-named Thomas Guy, late of the City of London, deceased, dated the 4th of September, 1724, after referring to a corporation which he intended should be obtained for the purpose of the Hospital thereinafter mentioned, made (among other devises and bequests) the following bequest: "Item, I give to the President and Governors of Christ's "Hospital in London, and their successors for ever, one annuity or yearly sum "of £100, to be paid by my said executors till such intended corporation shall

" be obtained and take effect, and then by such intended corporation or their " treasurer for the time being ; provided nevertheless and upon this condition " that my said executors and such intended corporation and their successors " shall have liberty from time to time to nominate and put into Christ's Hospital " aforesaid yearly, and every year for ever at Easter, or within six months after, " such four poor children, boys or girls, whether orphans or otherwise, or the " children of freemen of the City of London, or unfreemen, not less than seven " or more than ten years of age, as my said executors or the said intended " corporation or their successors shall think fit, with preference to my relations " as often as any such shall offer themselves, who shall be received into the said " Hospital and have the maintenance and education thereof, and be continued " therein in like manner as other children are maintained and educated in the " said Hospital. And my Will is, that in case and as often as the said President " and Governors of Christ Church Hospital shall neglect or refuse to take in " and maintain the said number of boys and girls to them nominated and " qualified as aforesaid, it shall be lawful to my said Executors and the said " intended corporation, and they are hereby directed and desired, to apply the " said annual sum of £400 to the education and maintainence of such four poor " children as aforesaid in such other school or place and in such other manner " as they shall think fit." And for the better and more regular disposition and management of the affairs and business of the said intended Hospital, and for perpetuating the charity thereby intended and the provision for the same, the said testator thereby ordered his executors and trustees forthwith after his decease to endeavour to obtain Letters Patent under the Great Seal or an Act of Parliament incorporating them his said executors and trustees, together with certain other persons therein named or referred to, into one distinct and separate body politic and corporate, with perpetual succession, for the better managing and governing of the said intended Hospital, and for the better settling and applying the residue of his estate for such uses as are therein referred to.

2. The said testator died on the 27th of December, 1724, and his said Will was shortly afterwards duly proved in the Prerogative Court of Canterbury.

3. By an Act passed in the 11th year of King George the First, intituled " An Act for incorporating the executors of the last Will and Testament of " Thomas Guy, late of the City of London, Esquire, deceased, and others, in order " to the better management and disposition of the charities given by his said " last Will," it was enacted that certain persons therein named should be, and they were thereby declared to be incorporated by the name of your petitioners.

4. From the time of the passing of the last-mentioned Act down to the year 1830, the President and Governors of Christ's Hospital were paid by your petitioners, and accepted from them the annuity of £400 bequeathed by the said Will, and your petitioners from time to time during that period nominated every year at Easter, or within six months thereafter, four children to be put into Christ's Hospital in accordance with the terms of the said Will.

5. In or about the year 1830 the Governors of Christ's Hospital declined to accept the nominations of your petitioners, and claimed to be at liberty to

abandon the gift of the said annuity, together with the condition thereto annexed, and an information was thereupon filed by Her Majesty's Attorney-General in the High Court of Chancery against the President and Governors of Christ's Hospital for the purpose of compelling the latter to admit the children so nominated from time to time by your petitioners, and such information came on for hearing before Sir John Leach, Master of the Rolls, in the month of June, 1830 (see 1 Russell and Mylne's Reports, Chancery Reports, 626), and from such report it appears that it was contended on behalf of your petitioners that the annuity of £400 a year was given to the President and Governors of Christ's Hospital on condition that your petitioners should have liberty yearly, and every year for ever, to put into Christ's Hospital four children, to be educated and maintained in the same manner as the other objects of that charity, and that the legacy could not be accepted in part and rejected in part, and it having been accepted by the Governors of Christ's Hospital for a long period of years they were therefore bound for ever by the condition, and the judgment of the Master of the Rolls as given by such report is as follows:—

"If the annuity were given to Christ's Hospital for such time only as they "should continue to act upon the condition, then indeed they would be at "liberty to retire from it at their pleasure. But here the annuity is given "to them and their successors for ever, and having once accepted it, they are "for ever bound by the condition. The latter part of the clause which "authorises the executors or the intended corporation to apply the £400 a "year in another manner, if the Governors of Christ's Hospital shall refuse or "neglect to act under the condition, is not to be considered as authorising "that refusal or neglect, but as a collateral remedy to secure at all events the "testator's charitable intention."

6. The said decision of the Master of the Rolls was not appealed from, and has ever since been acquiesced in by the President and Governors of Christ's Hospital, and your petitioners have in every year up to Easter last nominated four children to be put into Christ's Hospital and to be educated and maintained in the same manner as the other objects of such charity, and such children have been so educated and maintained accordingly.

7. A draft of the above-mentioned scheme was in March 1885 published by the Charity Commissioners for England and Wales, acting under the provisions of the above-mentioned Act. Such scheme was afterwards amended, and, as amended, was on the 8th of March, 1886, submitted to the Committee of Council on Education for their approval, and on the 15th of June, 1888, such Committee approved the said scheme, and caused the same to be published.

8. By the said scheme it appears (Clause 1): "The endowments dealt "with by this scheme are the endowments" (other than certain excepted endowments, and not including in such exception the said annuity of £400 so bequeathed by the said Thomas Guy) "which at the date of this scheme are "vested in or administered by or under the control of or are subject to any "power of government or management actually exercised by the Governors

" of Christ's Hospital above mentioned, elected, and appointed under the " provisions of an Act of Parliament" therein referred to. And it is by the scheme (Clause 3) provided that (subject to the payment of certain yearly and other sums therein referred to, and not including the said annuity of £400 being continued to be paid as therein mentioned) the endowments of the foundation shall be applied wholly for the educational purposes of this scheme, and Clause 99 of the said scheme is as follows: "For a period of 20 years " from the date of this scheme two places on the foundation shall be reserved " in respect of the trusts of the Will of Thomas Lockington, dated the 18th of " April, 1716, for children being relations of the said Thomas Lockington, or in " default of such relations then being of his surname, such children to be " nominated by the Council of Almoners for admission, subject to the provisions " of this scheme and to any regulations in force for the time being, and for " the same period eight places on the foundation shall be reserved in respect of " the trusts of the Will of Thomas Guy, dated the 4th day of September, 1724, " for children being relations of the said Thomas Guy, such children to be " presented by the Governors of Guy's Hospital for admission, subject as " aforesaid, and for the same period one place on the foundation shall be " reserved for a fatherless boy of the surname of Stock, such boy to be " nominated by the Council of Almoners for admission, subject as aforesaid."

9. Your petitioners submit if the said scheme in its present form receives the approval of your Majesty, that your petitioners instead of having the right in perpetuity of nominating four children at Easter in every year to be put into Christ's Hospital, and to be educated and maintained there in the same manner as the other objects of that charity, they will only have such right of nomination for the limited period of 20 years, and inasmuch as children generally remain in that institution for several years, the eight places on the foundation reserved by the said scheme to your petitioners may and probably will remain filled up for several years, so that in effect many years may and probably will elapse before your petitioners will have the right to nominate any child, and at all events the number of nominations in each year reserved to your petitioners will be less than four. Also by the said scheme your petitioners in making their nominations are limited to relations of the said Thomas Guy, whereas by the terms of his said Will their power of nomination is practically unrestricted, inasmuch as their nominees may be any poor children of freemen of the city of London, or unfreemen; preference only being given to the relations of the said Thomas Guy so often as any such shall offer themselves.

10. Your petitioners feel aggrieved by the said scheme on several grounds, and in particular on the ground that it does not save or make due compensation for their vested interest as required by the said Endowed Schools Act 1869, and on the ground that the said scheme is one which is not within the scope of or made in conformity with the said Act.

11. The scheme also contains clauses other than those hereinbefore referred to, which, if approved of by your Majesty as they now stand, will be injurious to the rights, interests and property of your petitioners, and there

are provisions not inserted therein which are necessary for the protection of your petitioners.

Your petitioners therefore humbly pray that your Majesty in Council will be graciously pleased to withold your approval from the said scheme so far as it affects the rights and interests of your petitioners. And your petitioners will ever pray, &c.

The Seal of the President and Governers of the Hospital founded at the sole costs and charges of Thomas Guy, Esquire, was affixed to this Petition in my presence,

Seal

EDWARD H. LUSHINGTON,
Treasurer.

No. 2.

The Case of Attorney-General *v.* Christ's Hospital, as reported in 1 Russell & Mylne's Chancery Reports, p. 626.

1830. June 22.

Where an annuity is given to a charitable institution for ever upon a condition, and is once accepted and acted upon, it cannot afterwards be renounced at pleasure, although the gift is coupled with a direction that upon the neglect or refusal of the institution at any time to act upon the condition the annuity shall be applied in another manner.

Mr. Guy, who was the founder of Guy's Hospital, in his Will, after mentioning a charter of incorporation which he intended that charity should obtain, made a bequest in the following words. (Then follows the bequest set out in p. of the "lease" of Guy's Hospital.) The Governors of Christ's Hospital accepted the legacy, and from the year 1725 to the present time complied with the annexed condition; but they now declined to do so any longer, contending that by the true construction of the latter part of the bequest they were not bound by the acceptance of the legacy to continue to act under it, but were at liberty to abandon the gift, together with the condition annexed to it, whenever they thought fit.

No. 2.
The Case of Attorney-General *v.* Christ's Hospital, as reported in 1 Russell & Mylne's Chancery Reports, p. 626.

Mr. PEMBERTON and Mr. WIGRAM for the relators :—

The sum of £400 a year is given to the Governors of Christ's Hospital and their successors for ever; but it is given upon condition that the Governors of Guy's Hospital, and their successors, should have liberty yearly and every year for ever to put into Christ's Hospital four children to be educated and maintained in the same manner as the other objects of that charity. The legacy could not be accepted in part and rejected in part, it could not be accepted for 100 years, and no longer; being accepted it was accepted absolutely, and the Governors of Christ's Hospital are therefore bound for ever by the condition. The direction for applying the annuity to the education and maintenance of an equal number of poor children in some other place in case the Governors of Christ's Hospital should neglect or refuse to admit them, does not give a right so to refuse or neglect.

Mr. BICKERSTETH and Mr. PHILLIMORE contra :—

This is a bequest of a yearly payment subject to a condition which is to be performed yearly, and the testator, contemplating that at some future time the parties might deem the condition too burdensome, and decline to comply with it, has in that event directed the yearly sum to be differently applied. It is not consistent with the language of the Will to say that the testator considered that the Governors of Christ's Hospital, if they once accepted any of the yearly payments, were never to be at liberty at any future time to neglect or refuse to admit four boys yearly. The sum of £400 a year is not at present sufficient to maintain four boys or girls yearly for the whole length of time during which each child, when once admitted, is entitled to remain on the foundation; and the extra expense must be provided for out of the other property of the charity. It is not likely that the testator should have intended, instead of benefiting Christ's Hospital, to create an incumbrance on its funds, and such a purpose cannot reasonably be imputed to him.

The MASTER OF THE ROLLS :—

If the annuity were given to Christ's Hospital for such time only as they should continue to act upon the condition, then, indeed, they would be at liberty to retire from it at their pleasure. But here the annuity is given to them and their successors for ever, and having once accepted it they are for ever bound by the condition. The latter part of the clause, which authorises the executors or the intended corporation to apply the £400 a year in another manner, if the Governors of Christ's Hospital shall refuse or neglect to act under the condition, is not to be considered as authorising that refusal or neglect, but as a collateral remedy to secure at all events the testator's charitable intention.

No. 3.

Affidavit of Edward H. Lushington, Esquire, in support of the Case of Guy's Hospital.

I, EDWARD HARBORD LUSHINGTON, of The Treasurer's House, Guy's Hospital, in the County of Surrey, Esquire, treasurer of the said Hospital, make oath and say as follows:

1. I am now and have been for twelve years last past treasurer of Guy's Hospital, and it is one of the duties of my office to inquire into and consider all applications made to the President and Governors of such Hospital by candidates desirous of being nominated as inmates of Christ's Hospital, under the power of nomination conferred upon Guy's Hospital by the Will of the late Thomas Guy, and I have also the custody of all the deeds and other documents belonging to Guy's Hospital which relate to Christ's Hospital, and to the nominations made thereto, and also which relate to the arrangements and other dealings which have from time to time been made and taken place between Guy's Hospital and Christ's Hospital; from my knowledge derived from these sources, and from otherwise discharging the duties of my office as such treasurer as aforesaid, I am able to depose to the statements hereinafter contained.

2. From the time of the passing of the Act in the 11th year of King George the First, intituled "An Act for incorporating the Executors of the "last Will and Testament of Thomas Guy, late of the City of London, Esquire, "deceased, and others, in order to the better management and disposition of "the Charities given by his said Will" down to the year 1830 the President and Governors of Christ's Hospital were paid by Guy's Hospital, and accepted from them, the annuity of £400 bequeathed by the said Will, and Guy's Hospital, from time to time during that period, nominated every year at Easter, or within six months thereafter, four children to put into Christ's Hospital, in accordance with the terms of the said Will.

3. In or about the year 1830 the Governors of Christ's Hospital declined to accept the nominations of Guy's Hospital, and claimed to be at liberty to abandon the gift of the said annuity, together with the condition thereto annexed, and an information was thereupon filed in the High Court of Chancery by Her Majesty's Attorney-General, at the relation of Guy's Hospital, against the President and Governors of Christ's Hospital, for the purpose of compelling the latter to admit the children so nominated from time to time by Guy's Hospital, and upon the hearing of such information it was decided that, the said annuity having been once accepted by Christ's Hospital, they were bound by the condition contained in the said Will, and were not at liberty to retire from it.—A Report of this case is contained in 1 Russell and Mylne's Chancery Reports, p. 626.

4. This decision was not appealed from, and has ever since been acquiesced in by the President and Governors of Christ's Hospital, and Guy's Hospital has in every year up to Easter last nominated four children to be put into Christ's Hospital, who have been educated and maintained free of all expense whatsoever, and otherwise in the same manner as the other objects of such charity (such maintenance including the clothing of the children), and such children have been so educated and maintained accordingly.

5. Although the said Thomas Guy died, as I believe, a bachelor, he left him surviving, according to the best of my knowledge, information, and belief, a very numerous body of collateral relations, and, so far as I have been able to ascertain the fact, I say that in every year since his death there have been candidates (claiming relationship with him) for the nominations to Christ's Hospital so vested in Guy's Hospital as aforesaid, and that the number of such candidates has in every year exceeded the number of nominations at the disposal of Guy's Hospital. The number of such excess applications during the last 40 years has been more than one hundred.

6. Since I have been treasurer of Guy's Hospital, speaking from my own knowledge, and prior thereto, speaking to the best of my knowledge, information, and belief, I say that before any such candidate has been so nominated as aforesaid, strict proof that he or she was a relation of the said Thomas Guy has always been required by Guy's Hospital, and the fact of such relationship has in cases of all nominated candidates always been established to the satisfaction of the President and Governors.

7. The children so from time to time nominated by Guy's Hospital are at the date of nomination always between 7 and 10 years old, and they generally remain in Christ's Hospital six to eight years, but assuming six years as the average period of residence of each child, it will be seen that the average number of children for the time being in Christ's Hospital who have been so nominated as aforesaid has hitherto been 24.

8. Assuming therefore further, that at Easter 1889 there will be 24 children, relations of the said Thomas Guy, who have been so nominated by Guy's Hospital as aforesaid, that number will not be reduced below eight until Easter 1894, and in that year and the following year the right of Guy's Hospital under the proposed scheme (see Clauses 60 and 99) to appoint relatives of the said Thomas Guy will for the first arise, and in each of these years they will be capable under the said scheme of nominating four children. The eight children so then nominated (viz. four in 1894 and four in 1895), will not on the aforesaid assumptions leave Christ's Hospital until the years 1900 and 1901 respectively, when the right of nomination under the said scheme will again arise, and in each of these years they will again be capable of nominating four children. The eight children so then nominated (viz. four in 1900 and four in 1901), will not, on the assumptions aforesaid, leave Christ's Hospital until 1906 and 1907 respectively, when the right of nomination under the said scheme will once again and for the last time arise, and in each of such last-mentioned years they will again nominate four children, but inasmuch as none of the

children so nominated in the years 1906 and 1907 respectively will, on the assumptions aforesaid, leave Christ's Hospital until the year 1912 at the earliest, the right of nomination purported to be reserved by Clause 99 of the said scheme in favour of the relatives of Thomas Guy for a period of 20 years will never again arise, as that period will have then expired, and the result will be that during the whole of the said period of 20 years there will only be 24 nominations to which candidates who are relatives of the said Thomas Guy will be eligible, whereas if the present rights of Guy's Hospital and their nominees were preserved and continued, Guy's Hospital would during such period be capable of nominating 80 candidates. The purport and accuracy of the statements contained in this paragraph, will be more clearly seen from the following Table:—

Year	No. of existing children for time being in school	First set of Nominees	Remarks	Year	No. of 1st set of Nominees for time being in school	Second set of Nominees	Remarks	Year	No. of 2nd set of Nominees for time being in school	Third set of Nominees	Remarks
1889	24			1896	8			1902			
1890	20			1897	8			1903			
1891	16			1898	8			1904			
1892	12			1899	8			1905			
1893	8			1900	4	4	These Nominees will not leave until 1906.	1906	4	4	These Nominees will not leave until 1912.
1894	4	4	These Nominees will not leave until 1900.								
1895	0	4	These Nominees will not leave until 1901.	1901	0	4	These Nominees will not leave until 1907.	1907	0	4	These Nominees will not leave until 1913.
	Total	8			Total	8			Total	8	

9. I have carefully perused the Probate copy of the Will of the said Thomas Guy so far as relates to the portions thereof set forth and referred to in the 1st paragraph of the case of Guy's Hospital (which Probate copy is now produced and shewn to me and marked "A"), and I say that such portions so far as they purport to be extracts from such Will are correct, and so far as they purport to state the effect of other clauses in such Will the effect thereof is correctly stated in such 1st paragraph.

10. It appears from such Probate, and I believe it to be the fact, that the said Thomas Guy died on the 27th of December, 1724, and that his said Will was shortly afterwards duly proved in the Prerogative Court of Canterbury.

APPENDIX D

No. 3.
Affidavit of Edward H. Lushington, Esquire, in support of the Case of Guy's Hospital.

11. Between the years 1885 and 1888, both inclusive, some correspondence took place between myself and the Charity Commissioners in relation to the said scheme and the provisions thereof so far as they affected Guy's Hospital and the class of children who are eligible as their nominees, but no alteration or amendment was made in the said scheme in consequence thereof.

Sworn at 34 Clement's Lane, in the City of London, this 12th day of March, 1889, Before me, JOHN HOLMES, A Commissioner to administer Oaths in the Supreme Court of Judicature in England. } ED. H. LUSHINGTON.

No. 4.

APPENDIX D.

No. 4.
Extract from Messrs. Wrottesley & Smith's Report of 1837, in Vol. 32, Part 6, of the Charity Commissioners' Reports, p. 170.

Extract from Messrs. Wrottesley & Smith's Report of 1837, in Vol. 32, Part 6, of the Charity Commissioners' Reports, p. 170.

THOMAS GUY'S GIFT.

Thomas Guy, by Will bearing date 4th September, 1724, gave the president and governors of Christ's Hospital and their successors an annuity of £400 upon condition that his executors and the corporation intended to be erected by virtue of his Will and their successors should have liberty to nominate and put into Christ's Hospital yearly for ever at Easter or within six months afterwards such four poor children, boys or girls, whether orphans or otherwise, or the children of freemen of the city or unfreemen, not less than seven or more than ten years of age, as they should think fit, with a preference to the testator's relations as often as any such should offer themselves, who were to be received into the said hospital and have the maintenance and education thereof in like manner as other children maintained and educated therein. And he directed that in case the said president and governors of Christ's Hospital should refuse to take in and maintain the said number, it should be lawful for his said executors and the said intended corporation, and they were thereby desired, to apply the said annual sum of £400 to the education and maintenance of such four poor children in such other school or place and in such other manner as they should think fit.

The yearly sum of £400 was regularly received from the treasurer of Guy's Hospital until the year 1827, and was carried to the general funds amongst the annuities; and in respect of it four children were annually admitted upon the presentation of the governors of that hospital.

The annuity of £400 being found by the alteration of prices quite inadequate to the maintenance of the children presented under this gift, the governors of Christ's Hospital were desirous of relinquishing the trust, and conceiving that they had the power to do so under the clause of the Will above quoted, they refused by a resolution made 16th November, 1827, to admit any more children. A bill was in consequence filed against them in the Court of Chancery by the governors of Guy's Hospital, and a decree was obtained on the 22nd June, 1830, affirming the obligation of the governors to receive the children, and directing them, upon receiving the arrears of the annuity which had accrued, to admit four children for each of the years 1828, 1829, and 1830 during which the suit had been pending.

In this decision the governors have acquiesced, and the children are now admitted in the same manner as before the institution of the suit.

Appendix D.

No. 4.
Extract from Messrs. Wrottesley & Smith's Report, dated 1832, p. 170.

No. 5.

Appendix D.

No. 5.
Letter from Messrs. Farrer & Co. to Messrs. Winter & Co

Letter from Messrs. Farrer & Co. to Messrs. Winter & Co

66 Lincoln's Inn Fields, London, W.C.,
5th January, 1889.

Dear Sirs, CHRIST'S HOSPITAL.

Referring to the Petition which has been presented to Her Majesty's Privy Council by the governors of Guy's Hospital against the scheme of the Charity Commissioners for the future government of Christ's Hospital, it seems to us that paragraphs 10 and 11 thereof are in terms too general, and that in fairness we should be furnished with the particular cases upon which such paragraphs are grounded.

Yours truly,
FARRER & Co.

Messrs. Winter & Co.,
16 Bedford Row, W.C.

No. 6.

Appendix D.

No. 6.
Letter from Messrs Winter & Co. to Messrs. Farrer & Co

Letter from Messrs. Winter & Co. to Messrs. Farrer & Co.

16 Bedford Row, London, W.C.,
7th January, 1889.

Dear Sirs, CHRIST'S HOSPITAL.

In reply to your letter of the 5th inst., we are sure our clients will be desirous of giving you every proper information; and if their counsel consider that your request for further particulars in regard to paragraphs 10 and 11 should be assented to, most certainly what is necessary will be done.

APPENDIX D.

No. 6.
Letter from Messrs. Winter & Co. to Messrs. Farrer & Co.

With reference to paragraph 11, we presume your request goes to the words "Clauses other than those hereinbefore referred to." Is this so?

With reference to paragraph 10, we must ask you to let us know rather more definitely what particulars you wish to have.

On hearing further from you the matter shall have attention.

We are, dear Sirs, yours truly,

Messrs. Farrer & Co., WINTER & Co.
66 Lincoln's Inn Fields, W.C.

APPENDIX D.

No. 7.
Letter from Messrs. Farrer & Co. to Messrs. Winter & Co.

No. 7.

Letter from Messrs. Farrer & Co. to Messrs. Winter & Co.

66 Lincoln's Inn Fields, London, W.C.,
9th January, 1889.

Dear Sirs, CHRIST'S HOSPITAL.

We are much obliged for your letter of the 7th inst. You are right in assuming that the request in our previous letter as regards paragraph 11 went to the words "Clauses other than those hereinbefore referred to." But we also think that we should be informed definitely what other necessary provisions for the protection of your clients are omitted from the Scheme.

With reference to paragraph 10, if the only grounds on which your clients feel aggrieved are the two stated, we of course should not require further particulars; but you use the terms "several grounds" and "in particular," which imply that besides the two grounds mentioned there are several others.

Yours truly,

Messrs. Winter & Co., FARRER & Co.
16 Bedford Row, W.C.

APPENDIX D.

No. 8.
Letter from Messrs. Winter & Co. to Messrs. Farrer & Co.

No. 8.

Letter from Messrs. Winter & Co. to Messrs. Farrer & Co.

16 Bedford Row, London, W.C.,
10th January, 1889.

Dear Sirs, CHRIST'S HOSPITAL.

We thank you for your letter of the 9th inst.

Our client will, of course, claim the full advantage of the statements in his Petition; and it must not be taken that any narrow construction is to be put on any part of it.

We think the "Case," when you have it, will give you all the information you now write about. Will you not be content thus to leave it?

We are, dear Sirs, yours truly,

WINTER & Co.

Messrs. Farrer & Co.,
66 Lincoln's Inn Fields, W.C.

No. 9.

Letter from Messrs. Farrer & Co. to Messrs. Winter & Co.

66 Lincoln's Inn Fields, London, W.C.,
11th January, 1889.

Dear Sirs, CHRIST'S HOSPITAL.

Referring to your letter of the 10th inst., it appears to us that all the grounds of objection to the Scheme should have been specifically mentioned in your clients' Petition, and if they propose to rely upon general words and bring forward other grounds of objection, that we should be furnished with definite particulars.

You appear to overlook the fact that it is usual for Petitioners and Respondents to exchange Cases at the Privy Council Office, so that we should have no opportunity of seeing your Case until too late to answer any such grounds of objection.

Yours truly,

FARRER & Co.

Messrs. Winter & Co.,
16 Bedford Row, W.C.

No. 10.

Letter from Messrs. Winter & Co. to Messrs. Farrer & Co.

16 Bedford Row, London, W.C.,
12th January, 1889.

Dear Sirs, CHRIST'S HOSPITAL.

We have your letter of the 11th inst. We do not pretend to be *au fait* at the practice in regard to matters under the Education Acts, but it certainly would seem to us that you are pressing your remarks as to particulars rather far.

Appendix D.

No. 10.
Letter from Messrs. Winter & Co. to Messrs. Farrer & Co.

Judging by the analogous case of Pleadings, with reference to which we should have thought the practice would be more strict, we should certainly have drawn the conclusion that a Petitioner was entitled to insert general words, as is frequently done in Pleadings, in regard, for instance, to pleading, without specifying all Statutes relating to a particular subject.

It is just as easy for you to ascertain from the "Scheme," in fact, more easy, what points are raised, than it would be in the case we put in regard to Statutes.

The very essence of the arrangement to which you refer, as to the exchange of Cases at the Privy Council Office, would appear to show that it was not intended that the parties should earlier know the details of their respective positions.

However, we are quite content to leave the matter to our clients' counsel, and we have duly instructed him, and you shall hear speedily what he thinks.

We are, dear Sirs, yours truly,

Winter & Co.

Messrs. Farrer & Co.,
66 Lincoln's Inn Fields, W.C.

Appendix D.

No. 11.
Letter from Messrs. Winter & Co. to Messrs. Farrer & Co.

No. 11.

Letter from Messrs. Winter & Co. to Messrs. Farrer & Co.

16 Bedford Row, London, W.C.,
17th January, 1889.

Dear Sirs, Guy's and Christ's.

We enclose such particulars as we understand you wish to have in this matter.

We do this simply in courtesy to yourselves, our clients' counsel considering that no right to such information exists; and it must, of course, be accordingly understood that this is done simply as an act of grace, and entirely without prejudice to the rights of our clients to take any other points upon the Hearing if so advised.

We are, dear Sirs, yours faithfully,

Winter & Co.

Messrs. Farrer & Co.,
66 Lincoln's Inn Fields, W.C.

No. 12.

Particulars of the further grounds of objection by Guy's Hospital to the Scheme, and referred to in the foregoing correspondence.

In the Privy Council.

IN THE MATTER of CHRIST'S HOSPITAL;

AND

IN THE MATTER of the ENDOWED SCHOOLS ACTS;

AND

IN THE MATTER of a Scheme for the Administration of CHRIST'S HOSPITAL.

Particulars.

Guy's Hospital will, in addition to the grounds specifically mentioned in their Petition, object to the above-mentioned Scheme on the following grounds:—

1. That it abolishes or modifies the privileges and educational advantages to which the nominees of such hospital have hitherto been entitled.

2. That it has not due regard to the educational interest of such nominees.

3. Objections will be taken in particular to clauses Nos. 1, 2, 3, 60, 85, 86, 99, 111, and 149 of the said Scheme.

4. In the event of the Scheme being approved of in other respects, it will be contended that the annuity of £400 ought to be withdrawn from the Scheme, so as to permit Guy's Hospital to deal with it in accordance with the alternative Gift contained in the Will of Thomas Guy, and that in such event provisions ought to be inserted in the Scheme enabling such course.

17th January, 1889.

[The above particulars are rendered simply as a matter of courtesy, and entirely without prejudice to the rights of Guy's Hospital to make other suggestions and other amendments at the Hearing, if so advised.]

In the Privy Council.

IN THE MATTER OF CHRIST'S HOSPITAL;

IN THE MATTER OF THE ENDOWED SCHOOLS ACTS;

AND

IN THE MATTER OF A SCHEME FOR THE ADMINISTRATION OF CHRIST'S HOSPITAL.

APPENDIX D.

WINTER & CO.,
16 *Bedford Row, W.C.*,
SOLICITORS FOR GUY'S HOSPITAL.

In the Privy Council.

IN THE MATTER of the FOUNDATION known as THE HOSPITAL of EDWARD late King of England the Sixth of Christ, commonly called CHRIST'S HOSPITAL

AND

IN THE MATTER of the ENDOWED SCHOOLS ACT, 1869, and AMENDING ACTS

AND

IN THE MATTER of a Scheme made by the Commissioners under the said Acts, entituled, "A Scheme for the Administration of the above-mentioned Foundation."

THE CASE OF THE APPELLANTS

THE WARDENS AND COMMONALTY OF THE MISTERY OF FISHMONGERS OF THE CITY OF LONDON.

1.—Mark Quested, a Citizen and Freeman of the said Fishmongers Company, duly made and executed his last Will dated the 27th of January, 1642, and thereby devised, gave and bequeathed unto the Wardens and Commonalty of the Mistery of Fishmongers of the City of London and to their successors for ever All that his Manor of Pencourte in Hollingborne in the County of Kent, with its rights, members and appurtenances whatsoever, and all messuages, lands and tenements to the same Manor belonging then in the occupation of Thomas Thatcher (for which he paid unto the said Testator One hundred and eighty-two pounds yearly) To have and to hold to the said Wardens and Commonalty and their successors for ever to and for the uses thereinafter mentioned and expressed, viz., his will and meaning was that the said Wardens and Commonalty with One hundred fourscore and two pounds one whole yearly revenue thereof And with £100 more which he thereby gave and bequeathed unto the Wardens and Commonalty of the said Mistery for the time being out of his personal estate should within as short a time as they could after his decease purchase a piece of ground and thereon build 12 Almshouses together in the Parish of Harrietsham in the County of Kent where he was born. And that they admit and place therein 12 poor Almsfolke to inhabit in the same houses and that they pay unto every one of those 12 Almsfolke six pounds per annum out of the rents and revenues of the said Manor for their maintenance Six of which Almsfolke he willed should be of the poor of the said Parish of Harrietsham to be presented unto the said Wardens and Commonalty by two of the next Justices of Peace the Churchwardens Overseers and most substantial Inhabitants of the said Parish and the other six Almsfolkes to be of the poor free of the Company of Fishmongers aforesaid. And he willed that the Wardens

and Assistants of the said Mistery or the more part of them shall admit place displace and govern the said 12 Almsfolkes there for ever. Item the Testator gave and bequeathed and his will was that the said Wardens and Commonalty and their successors for ever should give and pay unto four Masters of Arts eight pounds a piece yearly and unto four Students four pounds a piece yearly during so long time as they should abide and remain at their study in either of the Universities of Oxford or Cambridge, being poor and having need thereof for their maintenance there according to the discretions of the said Wardens and Assistants or the more part thereof, from time to time being by them thereunto first nominated and elected, which exhibitions should be paid out of the Revenues of the Manor aforesaid mentioned and expressed. And the said Testator thereby stated his will and mind to be that the Wardens and Commonalty of the Mistery aforesaid out of the same revenues should pay to the Governors of Christ's Hospital yearly for ever for and towards the maintenance of ten poor children such as the more part of the Wardens and Assistants of the said Mistery from time to time should send thither, being freemen's children of the said Company, if any such should need, or others for want of such four pounds a piece being forty pounds per annum, and every year on St. Marks day a Silver Dolphin for a badge for every one of those ten children to wear on their sleeves continually that they might be known to be the said Company's poor children. And his Will and mind was that the Wardens and Commonalty aforesaid and their successors for ever should have all the rest and residue of the revenues of the said Manor and premises to make their Livery a dinner yearly for their care and pains in the premises. And the said Testator gave and bequeathed unto his wife Elizabeth Quested one full third part of all the revenue of his lands and one full third part of all his goods chattels and personal estate.

2.—The said Mark Quested died shortly after the date of his said Will and Letters of Administration to the estate of the said Testator with the said Will annexed were on the 21st of February, 1642, granted to his widow Elizabeth Quested, by and out of the Prerogative Court of the Archbishop of Canterbury, the Executors in the said Will having renounced probate thereof.

3.—The said Elizabeth Quested died previously to the year 1683, and in that year it had been ascertained that the annual rents and profits of the said Manor and lands were wholly insufficient to pay the sums which the said Testator had by his Will directed should be paid thereout, and a Committee was appointed by and on behalf of the Fishmongers' Company to meet a Committee appointed by and on behalf of Christ's Hospital to consider and agree what ought to be done in the aforesaid matter.

4.—The said Committees met on the 7th of February, 1683, and it was then agreed by the Committee for the said hospital that the said Fishmongers' Company paying to the said Governors of Christ's Hospital the sum of £200 they would receive six poor children forthwith into the said hospital to be presented to them by the said Company upon paying in respect of each child the sum of £4. 3s. 4d. a year to them toward their maintenance therein. But that the Badge should not be worn by the said children for that none wear badges than only those of the King's Majesty's Foundation. And that as any died or were dis-

posed of others should be presented and taken into their room And that if thereafter the rents of the lands should rise or fall the number of the children should be increased or lessened accordingly to all which the Committee for the said Company according to their order decided to report the same to the next Court to be holden for their said Company for their order therein.

5.—The said Committee for the said Company duly reported the said arrangement to a subsequent Court of the said Company who approved of the said arrangement and duly paid to Christ's Hospital the sum of £200 in pursuance thereof

6.—Ever since the year 1683 up to the present time the said Agreement has been acted upon by both the Fishmongers Company and Christ's Hospital. The Fishmongers Company have always exercised their said right of presentation with great care and discrimination and have always elected children of poor freemen of the said Company who were suitable objects of the said Charity. Christ's Hospital has always since 1683 received, maintained and educated six sons of poor freemen of the said Company who have been selected and presented by the Fishmongers' Company as vacancies occurred, and the Fishmongers' Company have duly paid to Christ's Hospital the sum of £4. 3s. 4d. a year for each child presented by them, and maintained and educated by the Hospital so long as he was so maintained and educated.

7.—The Appellants in the years 1803, 1829 and 1834 relying upon the said Agreement paid to Christ's Hospital as a further endowment and contribution towards the maintenance of the children who should be presented by the Appellants the sums of £210, £200 and £105.

8.—In the year 1885 the Charity Commissioners for England and Wales, acting under the provisions of the above-mentioned Acts of Parliament, published a draft scheme for the administration of the Foundation of Christ's Hospital. Such scheme was afterwards amended, and, so amended, was on the 8th day of March, 1886, submitted to the Committee of Council on Education for approval, and on the 15th day of June, 1888, the said Committee approved the said scheme as submitted to them and caused the scheme so approved to be published.

9.—The scheme as published contains amongst others the following provisions, that is to say :—

(85) "Subject as hereinafter provided for the admission of non-foundationers into the Preparatory School all children admitted to the Hospital "Schools shall be regarded as admitted on the Foundation of the Hospital "and shall be called Foundationers. No child shall be admitted on the "Foundation of the Hospital whose parents or next friends shall not in the "opinion of the Council of Almoners be in need of assistance towards "the education and maintenance of such child. Any child so admitted "whose parents or next friends are in the opinion of the Council of "Almoners not able to contribute substantially towards his or her education and maintenance shall be free of all charge. In respect of every "child so admitted whose parents or next friends are in the opinion of the "Council of Almoners able to contribute substantially towards his or her "education and maintenance there shall be paid in aid of the General fund

" of the Foundation such yearly sum being not less than £10 nor more than " £20 as the Council of Almoners shall in each case direct provided that " at least one-third of the places on the Foundation shall always be filled " by children qualified under this clause to be free of all charge subject as " herein provided all children admitted on the Foundation of the Hospital " shall receive education maintenance and clothing at the cost of the Found- " ation. For the purposes of this clause any person who is in the judgment " of the Council of Almoners responsible for the maintenance of a child " shall be deemed to be next friend of such child."

(90) " Each of the Livery Companies of the City of London named " in the following Table shall be entitled to present for admission as Foun- " dationers subject to the provisions of this scheme and any regulations in " force for the time being such number of boys and girls respectively as is " set against the name of such Company in the same Table and upon any " such boy or girl presented by such Company as aforesaid dying or being " discharged from or leaving the Hospital to present one other boy or girl " as the case may be for such admission subject as aforesaid and so on " from time to time."

The number in the said Table set against the name of the Appellants was one boy only.

(91) " Subject to the approval of the Charity Commissioners the Council " of Almoners shall have power from time to time to award to the Fish- " mongers Company and the Skinners Company or either of them in " consideration of future gifts to the Foundation whether in the form of " Capital Endowment or of annual payments further presentations to be " exercised under conditions securing merit in the children presented but " so that the whole number of presentations to be exercised by either of " the two last-named Companies shall not exceed the number of presenta- " tions hitherto exercised by such Company."

(148) " The Charity Commissioners may from time to time in the " exercise of their ordinary jurisdiction frame schemes for the alteration of " any portions of this scheme provided that such schemes be not inconsis- " tent with anything contained in the 'Endowed Schools Act 1869' and " Amending Acts."

10.—The Appellants are a body corporate who have the right of holding or the power of government or management over the endowments provided by the said Will of the said Mark Quested and they have the power of appointing poor children of Freemen of the said Company with emoluments out of the said endowment and they are the Governing body of the said endowment within the meaning of the " Endowed Schools Act 1869."

11.—The Appellants have appealed against the said scheme and have asked Her Majesty to withhold her approval to the said scheme as they are advised and submit that such scheme is not within the scope of or made in conformity with the said " Endowed Schools Act 1869," and that the scheme has not due regard to the educational interest of the poor children of Freemen of the Fishmongers Company to which regard is required by the last-mentioned Act to be had on

the abolition or modification of the privileges or educational advantages to which the children of Freemen of the said Company are entitled.

12.—The Appellants are advised and submit that it is not clear from the said scheme whether it is intended that the six sums of £4. 3s. 4d. each which have heretofore been paid by the Appellants to Christ's Hospital for each of the six poor children presented by the said Fishmongers Company to Christ's Hospital will continue to be payable or whether only one of such sums will from henceforth be payable to Christ's Hospital in respect of the boys to be hereafter presented for admission by the Appellants.

13.—The Appellants submit that the prayer of the said Petition ought to be granted, and the approval of Her Majesty in Council ought to be withheld from such Scheme or such part thereof as affects the rights and interest of the Appellants as such Governing Body as aforesaid or the educational interests and advantages of the children of the poor Freemen of the said Company for the following (among other) reasons :—

1.—Because the Scheme does not have due regard as required by the said "Endowed Schools Act 1869," to the Educational interests and advantages to which the children of the poor Freemen of the Company are entitled.

2.—Because the proposed Scheme by reducing the number of the presentations for admission to be made by the Appellants to one and by ignoring or setting aside the said Agreement abrogates rights and privileges granted to the Appellants for valuable consideration paid by the Appellants to Christ's Hospital.

3.—Because the said Scheme does not release or provide for the application of the monies heretofore paid by the Appellants for the education of the children of poor Freemen of the said Fishmongers Company.

4.—Because the said Scheme is not within the scope of or made in conformity with the said Act.

5.—Because the said scheme gives uncontrolled power to the Charity Commissioners of altering the present proposed Scheme and thus to prejudice the rights and interests of the Appellants and the children of the poor Freemen of the said Fishmongers Company.

R. B. FINLAY.
THOS. TINDAL METHOLD.

In the Privy Council.

IN THE MATTER of the FOUNDATION known as THE HOSPITAL of EDWARD late King of England the Sixth of Christ, commonly called CHRIST'S HOSPITAL

AND

IN THE MATTER of the ENDOWED SCHOOLS ACT, 1869, and AMENDING ACTS

AND

IN THE MATTER of a Scheme made by the Commissioners under the said Acts, entituled, "A Scheme for the Administration of the above-mentioned Foundation."

CASE FOR THE APPELLANTS

THE WARDENS & COMMONALTY OF THE FISHMONGERS COMPANY.

C. O. HUMPHREYS,
Giltspur Chambers,
Holborn Viaduct,
Solicitor for the Fishmongers Company.

WHITE & SON, Law Stationers and Printers, 3, Took's Court, Furnival Street, Holborn.

In the Privy Council.

IN THE MATTER of the Foundation known as the Hospital of Edward late King of England the Sixth of Christ, commonly called Christ's Hospital

AND

IN THE MATTER of the Endowed Schools Act 1869 and amending Acts

AND

IN THE MATTER of a Scheme made by the Commissioners under the said Acts intituled "a "Scheme for the administration of the above mentioned "Foundation."

APPENDIX E.

C. O. HUMPHREYS,

Solicitor for the Fishmongers Company.

FARRER & CO.,

Solicitors for the Charity Commissioners.

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LONDON.

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APPENDIX E.

No. 1.

The Petition of the Fishmongers' Company.

IN THE PRIVY COUNCIL.

IN THE MATTER of the Foundation known as the Hospital of Edward late King of England the Sixth of Christ commonly called Christs Hospital.

and

IN THE MATTER of Endowed Schools Act 1869 and amending Acts.

and

IN THE MATTER of a Scheme made by the Commissioners under the said Acts intituled a Scheme for the administration of the above mentioned Foundation.

TO THE QUEENS MOST EXCELLENT MAJESTY IN COUNCIL.

THE HUMBLE PETITION of the Wardens and Commonalty of the Mistery of Fishmongers of the City of London under their Common Seal.

SHEWETH AS FOLLOWS:—

That your Petitioners are Trustees under the Will of Mark Quested (who died in or about the year 1642) whereby the Fishmongers Company were to be entitled to have ten children constantly maintained and educated in Christs Hospital.

That in the year 1683 an Agreement was made by way of Compromise between Christs Hospital and the Fishmongers' Company whereby the Company as such Trustees and in consideration of a sum of £200 then paid by the Company to the Hospital, was for the annual payment of £25 to have six children constantly maintained and educated at the Hospital. This Agreement has from that date been duly carried out and the Company has since from time to time made gifts to the Hospital amounting to the sum of £515.

That under the proposed Scheme (§90) it is intended that the presentations to be made by the Company shall be reduced from six to one only.

That the right of presentation by the Company has always been exercised with great care and discrimination to the benefit of children of poor members of this large Company and your Petitioners are aggrieved by the proposed Scheme and object to the intended reduction in the number of the Company's presentations and to setting aside an Agreement acted on for over two Centuries and abrogating rights and privileges granted to the Company under benefactions and for valuable consideration paid by the Company to Christs Hospital.

Your Petitioners are further aggrieved by and object to the uncontrolled powers of altering the present proposed Scheme, intended to be granted to the Charity Commissioners by the 148th Clause thereof.

YOUR PETITIONERS therefore humbly pray that your Majesty in Council will be graciously pleased to refuse your approval to the said Scheme.

And your Petitioners &c.

I hereby certify that the Common Seal of the Wardens and Assistants of the Mistery of Fishmongers was hereunto affixed in open Court this 9th day of August 1888.

(Signed) W. B. TOWSE.
Clerk.

No. 2.

Copy Will of Mark Quested.

Extracted from the Principal Registry of the Probate, Divorce, and Admiralty Division of the High Court of Justice.

In the Prerogative Court of Canterbury.

IN THE NAME OF GOD AMEN. The xxviith day of January Anno Dni^{o} 1642 And in the eighteenth yeare of the reigne of our Sov̄aigne Lord Charles by the grace of God of England Scotland France and Ireland Kinge Defender of the Faith &^{c}. I MARKE QUESTED Citizen and Fishmonger of London sicke in bodie butt of sound and p̄fect minde and memory preysed bee Almightie God doe make this my last Will and Testament in manner and forme followinge And first I co̅mend my soule into the hands of God my Maker trustinge to be saved by the meritts and righteousnes of my Lord and only Saviour Jesus Christ and my bodie to be buryed in a decent manner att the discretion of my Executo^{rs} And as concerninge the disposinge of my Manno^{rs} lands tenements goods chattells and psonall Estate w^{ch} God hath bene pleased to bestowe vppon mee First I will and doe revoake make voide and of none effect hereby all former and other Wills Devises and bequeasts by mee formerly made vttered or published And doe hereby will devise give and bequeath vnto the Wardens & Co̅alty of the Mistery of Fishmongers of the Cittie of London and to their successors forever All that my Mannor of Pencourte in Hollingborne in the Countie of Kent wth itts rights members and Appurtennces whatsoever and all Messuages Lands and Tenements to the same Mannor belonginge now in the occupac̄on of Thomas Thatcher (for w^{ch} hee payeth vnto mee one hundred fower score and twoe pounds yearly) To have and to hold to the said Wardens and Co̅altye and their Successo^{rs} for ever to and for the vses hereafter men̄coned & expressed viz^{t} my will and meaning is that the said Wardens & Co̅alty wth one hundred fowerscore and twoe pounds one whole yearly Revennewe thereof and wth one hundred pounds more w^{ch} I hereby give and bequeath vnto the Wardens & Co̅alty of the said Mistery for the tyme beinge out of my psonall estate doe wthin as short a tyme as they can after my decease purchase a peece of ground and thereon build twelve Almeshouses together in the pishe of Harrietsham in the Countie of Kent where I was borne And that they admitt and place therein twelve poore Almesfolke to inhabite in the same houses and that they pay vnto every one of those twelve Almesfolke sixe pounds p annū out of the rents and Revennewes of the said Mannor for their mayntenn̄ce sixe of w^{ch} Almesfolke I will shalbee of the poore of the said pishe of Harrietsham to be p^{r}sented vnto the saide Wardens and Co̅alty by twoe of the next Justices of Peace the Churchwardens Overseers and most substanciall Inh̄itants of the said pishe. And th other sixe Almesfolke to bee of the poore free of the Company of Fishmongers aforesaid And I will that the Wardens and Assistants of the said Mistery or the more pte of them shall admitt place displace and governe the said twelve Almesfolkes there forever Item I give and bequeath and my will is that the said Wardens & Co̅alty and their Successors forever shall give and pay vnto fower Masters of Arts eight pounds apeece yearly and unto fower Students fower pounds apeece yearly duringe soe longe tyme as they shall abide &

remayne att their studdy in either of the Vniversityes of Oxford or Cambridge beinge poore and havinge neede thereof for their mayntenñce there accordinge to the discretions of the said Wardens and Assistants or the more pte thereof from tyme to tyme beinge by them therevnto first noñated & elected w^ch^ Exhibicons shalbee paide out of the Revennewes of the Mannor aforesaid Item my will and mynde is that the Wardens & Coñalty of the Mistery aforesaid out of the same Revennewes doe pay to the Gov^no^re of Christs Hospitall yearly for ever for and towarde the mayntennce of tenne poore Children such as the more pte of the Wardens and Assistants of the said Mistery from tyme to tyme shall send thither beinge freemens Children of the said Company if any such shall neede or others for want of such fower pounds a peece beinge forty pounds p Annũ and every yeare on S^t.^ Markes day a silver Dolphin for a Badge for evie one of those tenne children to weare on their sleeves continually that they may be knowne to bee the said Companyes poore Children And my will & minde is that the Wardens and Coñaltye aforesaide & their Successo^rs^ for ever shall have all the rest & residue of the Revennewes of the said Mannor & p^r^misses to make their Livery a dynner yearly for their care and paynes in the p^r^misses Item I give devise and bequeath vnto theldest sonne of my Brother George Quested and to his heires for ever, All my messuages lands & Tenem^ts^ in the pishe of Ookeham in the Countie of Kent now in the occupacon of my brother Richard Quested And alsoe all my lands in Bromefeild in the said County of Kent in the occupacon of James Dennys And alsoe the full suñe of five hundred pounds to bee payd vnto him out of my psonall estate Item I give devise and bequeath vnto the younger sonne of my said Brother George Quested all my messuages or houses w^th^ th'appurtennces in Dolphin Courte in Distaffe lane London to have & to hold to him and to his heires for ever And alsoe the full suñe of five hundred pounds to be paid unto him w^th^ in one yeare after my decease Item I give & bequeath unto my sister Dorothy Hinckley twoe hundred pounds and to every one of her children livinge att my death one hundred pounds a peece Item I give and bequeath unto my brother Richard Quested the full suñe of three hundred pounds to bee paid vnto him w^th^in one yeare after my decease Item I give and bequeath to my sonne in lawe William Wadbrooke twentie pounds and to his wife thirtye pounds and to every of his three children livinge att my death twentie pounds apeece Item I give vnto the twoe daughters of my Brother George Quested one hundred pounds a peece if they shalbe livinge at my death Item I give to the wife of George Brockwell fifty pounds and fifty pounds more to bee equally devided amongst her children Item I give and bequeath unto the children of my brother John Quested his youngest daughter deceased twenty pounds apeece to be paid vnto them att their severall ages of twentie and one yeares or dayes of marriage w^ch^ shall first happen and I will that myne Execut^ors^ in the meane tyme shall allowe them towards their mayntennce for the same after the rate of sixe pounds p centũ p annũ Item I give unto Raphe Halsall my wives sonne one hundred pounds to assist myne Executo^rs^ in discoveringe myne estate Item I give and bequeath vnto Phillip Edwyn one hundred pounds or twenty markes a yeare during his life w^ch^ hee shall please to accept of Item I give and bequeath vnto Sara Catchmaide my kinswoman tenne pounds and to every of her children five pounds a peece Item I give and bequeath vnto John Reyner

my wives brother in lawe Tenne pounds and to his wife Tenne pounds Item I give and bequeath vnto Thomas Pownditch and his wife five pounds apece Item I give and bequeath unto Thomas Webbe Esq^{r} Secretary to the Duke of Lenox and to his Wife fiftye pounds betweene them Item I give and bequeath unto Cornelius Holland gent and his wife fiftye pounds betweene them Item I give and bequeath unto my beloved wife Elizabeth Quested One full third pte of all the Revennewe of my Lands and one full third parte of all my goods chattells and psonall Estate And also the Lease and Terme to come of and in my now dwellinge house in Oldfish Streete and all my plate and moveable goods (exceptinge bills Bonds Books and writinges) in the same house and alsoe all my goods in my house in Thames ditton in the County of Surrey And my will is that none of the same goods soe given to her my said wife shalbee appraysed nor medled with by myne Executo^{r} Item I give and bequeath unto M^{r} William Hodges dwellinge in the pishe of S^{t} Martyns in the Fields Tenne pounds Item I give and bequeath unto Mr. Edward Wilkinson dwellinge there alsoe Tenne pounds Item I give and bequeath vnto Mr. Stephen Alcocke fifty pounds Item I give and bequeath vnto Mr. John Vynor Preacher five pounds And my will is that therefore hee shall preache att my funerall or else noe Sermon shalbee then preached Item I give unto Edward Hales pishe Clarke five pounds Item I give unto John Batty the Sexton fortye shillinges And of this my p^{r} sent last will and Testament I doe make and ordayne my said Brother Richard Quested, William Wilson Fishmonger Mr. John Pope Salter and John Lee Fishmonger Citizens of London myne Executo^{r} And if any of them shall refuse or renounce the charge and execucon of the same Then my will and mynde is that the pson or psons soe refusinge or renouncinge shall have one hundred pounds apeece out of my psonall estate and thereuppon shall have noe further or other benefitt by myne Estate And of the execucon of my said will I doe make and ordayne Mr. Stephen Alcocke John Rayner and Raphe Halsall Oversee^{rs} In witnes whereof I have hereunto sett my seale and doe declare and publish this to be my last Will and Testament and doe againe vtterly revoke and adnull all and every other former Testaments wills legacyes bequests Executo^{rs} and Overseers by mee in any wise before this tyme named willed and bequeathed And have to every of these fower sheetes of paper subscribed my name

In the p^{r}sence of
John Torlis
Ben Shepd

Marke Quested L.S.

Vicesimo primo die mensis Februarij Anno dñi iuxta cursum et computationem ecclesie Anglicane Millesimo sexcentesimo quadragesimo secundo, emanavit Commissio Elizabethe Quested Relicte prefati Marci Quested defuncti habentis &c ad administrandum bona iura et credita dicti defuncti iuxta tenorem et effectum testamenti ipsius defuncti eo quod Richardus Quested, Willmus Wilson, Johannes Pope, et Johannes Lee Executores in testamento predc̃o nominat̃ ex certis causis eos et animos suos in ea parte iuste mov̄en oneri executionis testamenti hmoi expresse renuntiarunt de bene et fideliter administrando eadem ad Sancta Dei Evangelia Jurat̃.

Tertio die mensis Maij Anno Dn̄i 1671 em^{t} Com^{o} Radulpho Halsall filio et Ex̃tori tes̃ti Eliz̃ Quested alis Halsall def dñ vixit Retce et Adtricis bonodc̃i

def hẽntis &c̃ ad adstrand bona Jura et cred eiusd def iuxta tenor̃ et effc̃um testi ipsius def (inadt p̃ dc̃am Elizãm Quested als Halsall etiam demort̃) de bene &c Jurat̃.

APPENDIX E.

No. 2.

Copy Will of Mark Quested.

I Certify that the before written Copy Will has been examined with the Original Will deposited in this Registry and that it is a true Copy thereof.

L.S.

J. C. Hannen.
Registrar.

No. 3.

APPENDIX E.

No. 3.

Agreement entered into between the Committees of the Fishmongers' Company and Christ's Hospital on 7th February, 1683.

Agreement entered into between the Committees of the Fishmongers' Company and Christ's Hospital on 7th February, 1683.

7th February 1683.

Mr Aldn Paravicini, Sir Anthony Deane, Sir William Russell, Mr Trer Hawes } for Christ's Hospitall

Mr John Jekyll, Mr Adams, Capt Griffith } for the Company of ffishmong's.

The Comitts above named meeting to consider of the Clause in the Will of Mark Quested Esqre late Citizen & ffishmonger of London wch followed in these words, viz.:

Item—my Will & minde is That the Wardens & Coïalty of the Mistery of ffishmongs oute of the same Revennes doe pay to the Governos of Christs Hospitall yearely for ever for & towards the maintenance of Tenne poor children such as the more part of the Wardens & Assistants of the said Mistery from time to time shall send thither being freemen's children of the said Company, if any such shall need or others for want of such foure pounds a peace being 40c per annum, And every year on St Marks Day a Silver Dolphin for a badge for every one of those tenne children to wear on their sleeves continually that they may be known to be the said Companyes poore children.

Mr Trer Hawes now present being one of the Assistants of the said Company reported the case concerning the said Will And the reasons why the 40c yearly therein menconed hath not hitherto been paid, partly by reason of the great demands of the Testators Widdow and the payments made to her thereout during her life And also of the great charges expended in a suite of Lawe to settle the same And moreover for that the lands for some years could not be let to a certain Tenñt And acquainting them that about 8 years now last past The lands that were given to pay Charities & other Legacyes amounting to 180c per annum were let but att 90c per ann And that the Company were ready to divide & pay out 100c yearely in those Charities in proporcon to his will (reserving the odd 10c for & towards the reparacons of 12 Almeshouses & for other charges incident thereto) whereby there would be payable to Christs Hospitall about 25c yearely towards the maintenance of poore children therein As appeared by a particuler account thereof now here produced shewed And hee did believe that the Company of ffishmongs would be willing to give to the Governos of Christs Hospitall the sum of 200c in money so as the Governos will

APPENDIX E.

No. 3.
Agreement between the Committees of the Fishmongers' Company and Christ's Hospital.

take & keepe sixe children in their Hospitall for the time to come upon the allowance mentioned in his Will.

All which being by the several Comttees above named considered of & debated As alsoe the foote of the Accompts for those lands in the Companys hands It was agreed by the Comittee for the said Hospitall That the said Company paying to the said Governo[s] the sum of 200[£] They would receive sixe poore children forthwith into the said Hospitall to be psented to them by the said Company upon paying the sum of £4 3s. 4d. apeece a year yearly to them towards their maintenance therein But that the Badge should not be worn by the said children for that none wear Badges there only those of the Kings Maty's Foundation And that as any died and were disposed of others should be psented & taken into their roome And that if hereafter the rents of the lands did rise or fall The number of the children should be increased or lessened accordingly To all w[ch] the Comittee for the said Company according to their order desired to report the same to the next Court to be holden for their said Company for their order therein.

APPENDIX E.

No. 4.
Order of the Court of the Fishmongers' Company, held 18th February, 1683, confirming agreement with Christ's Hospital.

No. 4.
Order of the Court of the Fishmongers' Company, held 18th February, 1683, confirming Agreement with Christ's Hospital.

Court 18 February 1683.

Alsoe att this Courte the Reporte of the severall Committees for Christs Hospitall and of this Company appointed to consider of M[r] Quested's Will and of the children to be kept therein according to his bequest was openly read which followeth in these words.

The Seaventh of February 1683.

M[r] Aldrian Paravicini, S[r] Anthony Deane, S[r] William Russell, M[r] Trĕr Hawes } For Christs Hospitall

M[r] John Jekyll, M[r] Adams, Capt[n] Griffith } for the Company of ffishmong[rs]

The Comittees above named meeteing to consider of the clause in the Will of Mark Quested Esq[r] late Citizen and ffishmong[r] of London w[ch] followeth in these words viz. :—

> Item, my will and minde is that the Wardens and Coñalty of the Mistery of ffishmong[rs] out of the same Revenues doe pay to the Governo[rs] of Christs Hospitall yearely for ever for and towards the maintenance of Tenne poore children such as the more parte of the Wardens and Assistants of the same Mistery from time to time shall send thither being freemen's children of the said Company. If any such shall neede or others for want of such fower pounds apeece being £40 per ann[u] And every yeare on S[t] Marke's day a Silver Dolphin for a badge for every one of those tenne children to weare on their sleeves continually that they may be known to be the said Companys poor children.

M[r] Trĕr Hawse here present being one of the Assistants of the said Company reported the case concerning the said Will and the reasons why the

40^{xl} yearly therein menconed hath not hitherto been paid partly by reason of the greate demands of the testators widdow. And the payments made to her thereout dureing her life And alsoe of the great charges expended in a suite of Law to settle the same And moreover for that the lands for some yeares could not be lett to a certayne ten^{nt} And acquainting them that about 8 years now last past the lands that were given to pay Charityes and other Legacyes amounting to One hundred and eighty pounds per ann^{m} were lett but at £110 per ann And that the Company were ready to divide and pay out 100$^{£}$ yrly in those charityes in proporc̃on to Will (reserving the odd 10$^{£}$ for and towards the repaira-
10 c̃ons of 12 Almeshouses and for other charges incident thereto) whereby there would be payable to Christ's Hospitall about 25$^{£}$ yearely towards the maintenance of poore children therein as appeared by a perticular account thereof now here produced and shewed. And hee did believe That the Company of ffishmong^{rs} would be willing to give to the Governo^{rs} of Christs Hospitall the sum of Twoe hundred pounds in money soe as the Governo^{rs} will take and keepe sixe children in their Hospitall for the time to come upon the allow^{ce} mencoñed in his Will.

All which being now by the severall Comittees above named considered of and debated as alsoe the foote of the accompts for those lands in the Companys hands. Itt was agreed by the Comittee for the said Hospitall That the said
20 Company paying to the said Governo^{rs} the sume of 200$^{£}$ they would receive sixe poore children forthwth into the said Hospitall To be presented to them by the said Company upon paying the sum of £4. 3s. 4d. apeace yearely to them towards their maintenance thrin But that the badge should not be worne by the said children ffor that none wear badges there only those of the King's foundacon and that as any died or were disposed of others should be psented and taken into their roome. And that if hereafter The Rents of the lands do rise or fall the number of the children should be increased or lessened accordingly. To all which the Comittee for the said Company according to their Order desired to reporte the same to the next Courte to be holden for their said Company for
30 their order therein.

All which being now duely considered of It is ordered by this Court That the same be observed in all things And that M^{r} Wardens Esq^{r} Sherrington M^{r} Jekyll M^{r} Sayer M^{r} Withers M^{r} Griffith & M^{r} Loades or any three of them doe meete consider of and present sixe children to the said Govern^{rs} for their admittance into the said Hosp^{ll} accordingly And that the said sume of £4. 3s. 4d. yearely be paid to the said Governo^{rs} by half yearely paym^{ts} for keeping every of the said children from Lady day now next And that the said Comittee do provide and pay the said sume of 200$^{£}$ to the said Governo^{rs} as aforesaid.

No. 5.

Order of the Court of Christ's Hospital relative to Agreement with the Fishmongers' Company.

At a Court in Christ's Hospital 21st February 1683.

The Court before the confirmation thereof caused the Report to be read made between a Comt^{ee} of the Comp^{ie} of ffishmongers and a Comt^{te} of this

Hospital aboute the Will of Mr. Mark Quested deceased to be read which is as followeth :—

The Seaventh of ffebruary 1683.

Mr Aldran Paravicini, Sr Anthony Deane, Sr Wm Russell, Mr Trearr Hawes } for Xst Hospl Mr John Jekill, Mr Adams, Captn Griffith } for the Compie of ffishmongers

The Comte above named meeting to consider the Clause in the Will of Mark Quested Esqre late Citizen and ffishmonger of London wch followeth in these words viz. :—

Item—my mind and Will is That the Wardens and Comonalty of the Mistery of ffishmongers out of the same revenues doe pay to the Governors of Christs Hospitall yearly for ever for and towards the maintenance of ten poore children such as the more parte of the Wardens & Assistants of the said Mistery from time to time shall send thither being freemens children of the said Company. If any such shall need or others for want of such foure pounds apeece being forty pounds p ann And every yeare on St Marks day a silver dolphin for a badge of every one of these ten children to weare on their sleeves continually That they may be knowne to be the said Companies poore children.

Mr Treasurer Hawes here present being one of the Assistants of the said Company Reported the case concerning the said Will and the reasons why the fforty pounds yearly therein mentioned hath not hiterto been paid partly by reason of the great demands of the Testators Widdowe and the payments made to her thereout during her life And also of the great charges expended in a suite of law to settle the same And moreover for that the land for some yeares could not be Lett to a certaine Tenant And acquainting them that aboute eight yeares now last past the lands that were given to pay Charities and other Legacyes amounting to £180 p ann were let but at £110 p ann And that the Company were ready to divide and pay out £100 yearly in these charities in proportion to his Will (reserving the odd ten pounds for and towards the reparation of twelve Almshouses and for other charges incident thereto) whereby there would be payable to Christs Hospitall aboute £25 yearly towards the maintenance of poore children therein As appeared by a perticular accompt thereof now here produced and showed And he did believe that the Company of ffishmongers would be willing to give to the Governors of Christs Hospitall the sume of £200 money soe as the Governors will take and keep six children in their Hospitall for the time to come upon the allowance mentioned in his Will.

All which being by the several Comtees above named considered of and debated As also the foote of the Accompts for those lands in the Companies hands. It was agreed by the Comtee for the said Hospitall That the said Compie paying to the said Governors the sume of Two hundred pounds they would receive six poore children forthwith into the said Hospitall To be prsented to them by the said Compie upon paying the sume of £4 3s. 4d. a piece yearly to them towards their maintenance therein But that the Badges should not be worn by the said children for that none weare Badges there onlly those of the Kings Maties ffoundation and that as any dyed or were disposed off

others should be presented and taken into their roome And that if hereafter the Rents of the Lands did rise or fall The number of children should be increased or lessened accordingly To all which the Com^te^ for the said Company according to their order desired to report the same to the next Court to be holden for their said Company for their order therein.

Ffrst this Court after some debate by vote agreed that the Company of ffishmongers upon the Termes mentioned in the report should at next admission of children present six provided those six or any other that they shall present be every way agreeable to the Rules and Qualifications heretofore appointed by the Court.

No. 6.

Extract from the Charity Commissioners' Reports.

Extracted from Charity Commissioners Reports Vol. xii 1824 and Vol. xxxii p^t^ vi. p. 125.

Messrs. Wrottesley & Smith's Report, p. 125.

Mark Quested's Gift.

Mark Quested, of London, Fishmonger, by Will, bearing date 27th January 1642 devised to the Company of Fishmongers his manor of Pencourt in Hollingborne in the County of Kent with its appurtenances and all messuages lands and tenements thereto belonging, then let for £182 per annum on certain trusts therein mentioned and he willed that the said Company out of the said revenues, should pay to the Governors of Christs Hospital £40 per annum for the maintenance of 10 poor children, sons of freemen of the said Company, if any such should need, or others for want of such, at £4 a piece to be sent by the wardens and assistants of the said Company, each child to wear a silver dolphin for a badge.

At a Court held on 21^st^ February 1683, a report made between a committee of the said Company and a Committee of this hospital about the above Will was read and it appeared thereby that the estate given by the Will to pay charities and other legacies amounting to £180 per annum was then let at £110 only and the Company proposed to abate the several annuities given by the said Will whereby there would be payable to Christs Hospital about £25 yearly towards the maintenance of poor children and to give to the said governors the sum of £200 so as the said governors would take and keep six children in the hospital for the time to come upon the allowance mentioned in the said Will, and the hospital committee proposed that if the said company would pay the said sum of £200 and likewise £4 3s. 4d. a head yearly for each child the said hospital would receive six children forthwith into the said hospital to be presented by the said company but refused the badge as none wore badges except those on the king's foundation and that the number of children to be received from time to time on the presentation of the said company should be increased or lessened with the rents of the estate.

The court agreed that the said company should on the terms mentioned in the Report at the next admission of children present six children.

APPENDIX E.

No. 6.
Extract from the Charity Commissioners' Reports.

Messrs. Wrottesley & Smith's Report, p. 125.

Here follows the Report of the Fishmongers Company in 1824 (12th Report page 121) which is as follows:—

Mark Quested, Citizen and Fishmonger of London by his Will dated 27th of January 1642 & proved at London 21st February 1642 devised and bequeathed to the Wardens and Commonalty of the Mystery of Fishmongers of London and their successors all that his manor of Pencourte, in Hollingbourne, in the County of Kent, with their rights members and appūrts whatsoever and all messuages lands and tenements to the same Manor belonging then occupied by Thomas Thatcher at a yearly rent of £182 to hold for the uses following viz.: that said Wardens and Commonalty, with £182 one whole yearly revenue thereof, and with £100 more which said testator bequeathed out of his personal estate, should, within as short a time as they could after his decease, purchase a piece of ground, and thereon build 12 Almshouses together in the Parish of Harrietsham in the County of Kent, where said testator was born, and that they should admit & place therein 12 poor Almsfolk to inhabit in the said houses, and should pay unto every one of those 12 Almsfolkes £6 per annum out of the rents and revenues of the said Manor for their maintenance six of which almsfolk he willed should be of the poor of the parish of Harrietsham, to be presented unto the said wardens and commonalty by two of the next justices of the peace, the churchwardens overseers and most substantial inhabitants of the said parish, and the other six Almsfolkes to be of the poor free of the Company of fishmongers aforesaid, and he also willed, that the wardens and assistants of the said Mystery, or the more part of them, should, admit place, displace and govern, the said 12 Almsfolk there for ever. The said Testator also declared his Will to be, that the said Wardens & Commonalty should pay out of the revenues of the said Manor, to four masters of arts £8 a piece yearly, & to four students £4 a piece yearly, so long as they should abide at their Study in either of the Universities of Oxford or Cambridge, being poor, and having need thereof according to the discretion of the said wardens & assistants. He also gave out of the same revenues, to the Governors of Christ's Hospital, yearly, for ever, for the maintenance of ten poor children, such as the more part of the wardens and assistants should from time to time send thither, being freemen's children of the said company, if any such should need, or others for want of such, £4 a piece, being £40 per annum; and every year, on St Marks day a silver dolphin, for a badge for every one of the said 10 children to wear on their sleeves, that they might be known to be the said Company's poor children. And his Will was, that the said wardens and commonalty, and their successors, for ever, should have all the residue of the revenues of the said manor and premises to make their livery a dinner yearly, for their care and pains in the premises.

The estate given by Mark Quested for the support of his charities consists of two farms at Hollingbourne in Kent viz.:—

Pencourt Farm, consisting of a farm house and buildings and 176a. 3r. 39p. of land, let to John Patten, for 14 years from Michaelmas 1821, at the annual rent of ...	£180	0	0				
Land tax redeemed	10	0	0				
				£190	0	0	
Allington Farm, consisting of a farmhouse & buildings and 202a. 1r. 30p. of land, held by John Henry, under a lease to William Harrison Jun. for 14 years from Michaelmas 1821, at the annual rent of ...	£104	16	0				
Land tax redeemed	5	4	0				
				110	0	0	
				£300	0	0	

Messrs. Wrottesley & Smith's Report, p. 125.

In an old Map of the Estate, dated in 1697, the quantity of land is stated to be 390 acres. In a subsequent plan, taken in 1801, the amount in both farms is stated at 389a. 1r. 29p. The quantities in the present Leases fall short of that amount by 10 acres, a parcel of chalk to that extent having been reserved to supply lime for the use of the two tenants.

The rent of £182 which these farms produced at the time of Quested's grant seems very high in proportion to the present rents. There appears no reason to suspect that any defalcation of the property has taken place, and we may therefore conjecture that that high rent was caused by some adventitious circumstances. We find, from the Company's books, that not very long after the grant, about the year 1675, the lands produced only £110 a year; so lately as 1780, they were let altogether for £150 on a 21 years lease; and at Michaelmas 1800 they were again let for 21 years at £210 on the expiration of which last lease the tenancy of the farms was divided, & the present separate Leases were granted.

1. Almshouses at Harrietsham.—Some obstruction appears to have taken place to the establishment of Mr. Quested's Charities, in consequence of the claims of his Widow upon the property, and the expenses attending a suit at law relative thereto, and the subsequent diminution of the income of the estate.

We find that the building of the Almshouses at Harrietsham was completed in 1651. There is no account of the cost of the original building, but they were rebuilt by the Company, in the years 1770 and 1772, at an expense of £2,470. They consist of 12 distinct houses, with a good garden to each, situate in the village of Harrietsham, and are inhabited by 12 poor persons, either men or women appointed according to the directions of the founder. Six of them are poor members of the Company, chosen by the Court of Assistants, and six of them parishioners of Harrietsham, recommended as vacancies occur, in the manner directed, and appointed by the Court, who always accept the nominee of the Parish unless evidently an unfit object.

APPENDIX E.

No. 6.
Extract from the Charity Commissioners' Reports.

Messrs. Wrottesley & Smith's Report, p. 125.

The six almspeople of the Company now receive pensions equal to those enjoyed by the Company's almspeople in the Hospitals at Newington and Bray viz.: 12/- a week to the married and 7/- a week to the single persons, which pensions include Mr. Copping's gift of £36 a year, before adverted to under the head of Jesus Hospital at Bray. They have also an annual allowance of coals, a chaldron and a half to each house.

The Parishionary Almspeople have pensions of 6/3 each every lunar month, making £4. 1s. 3d. a year each. They have no allowance of coals. All the 12 have clothing every 2nd year viz.: the men a good cloth coat and the women a camblet gown.

The reason of the reduction of the pensions to the Parishionary Alms people below the £6 a year each assigned to them by the founder, nowhere distinctly appears. It is probably rendered necessary by the defalcation of the income in the early periods of the trust, which we have already alluded to, and has continued ever since. The difference of the allowances to the Company's Almspeople and the Parishionary Almspeople is to be accounted for on the same grounds, with the similar difference, though not to an equal extent, which takes place in Jesus Hospital at Bray, and which we have before noticed. In consequence of this difference in the allowances, there was charged in 1823 to the estate account, for pensions to the Parishionary Almspeople, £24. 7s. 6d. and for pensions to the Company's Almspeople (exclusive of Copping's Gift) £86. 4s. 0d. and £21 for coals.

No objection can be made to the Company's making an additional allowance to their own poor, if such addition be drawn from separate funds, but in the present case where the founder directed that an equal sum, viz., £6 a year, should be paid to each of the 12 alms people from the revenues of his estate there is an evident incorrectness in charging that estate with a larger allowance to the 6 Almspeople of the Company than to the 6 Parishionary almspeople. This error, when pointed out to the Clerk of the Company, was immediately perceived; and we are assured by him that it is the intention of the Company, when some heavy charges which they have incurred in repairs and improvements in the estate are ascertained, to take a correct account of the Charity property, and, after setting aside what may be necessary for the liquidation of debts, and for current charges, to apportion the remainder equally among the 12 Almspeople.

One of the Almsmen is appointed reader, with a salary of 5 guineas a year, whose office it is to read prayers twice a week to the almspeople, and also if any misconduct takes place among them, to report it to the paymaster, who informs the Company of it. The present paymaster is Mr. John Honey, one of the tenants, who pays the pensions monthly, and superintends the distribution of coals. He also receives a salary of 5 guineas a year.

2. PAYMENT TO CHRIST'S HOSPITAL.—It appears that in consequence of the embarrassments which took place after Mr. Quested's death in the execution of the trusts of his Will, the benefaction given by him to Christ's Hospital remained inoperative till the year 1683, when a conference took place respecting it, between a Committee of Governors of the Hospital

and a Committee of the Company. The result of this Conference upon a Statement made of the difficulties which the Company had encountered, and the inadequacy of the trust fund to fulfil the Charities charged thereon, was an Agreement that the Company should pay to the Hospital £200 and the Governors should receive into the Hospital 6 poor children presented to them by the Company, being paid for each of them £4 3s. 4d. a year towards their maintenance. The Company have ever since paid yearly to Christ's Hospital £25 and have always six children maintained there, sons of poor freemen of the Company appointed by the Court of Assistants.

Messrs. Wrottesley & Smith's Report, p. 125.

3. PAYMENTS TO THE UNIVERSITIES.—The payments directed to be made to 4 Masters of Arts, and 4 Students of divinity in the Universities, have never taken place, the funds not having been sufficient for the purpose.

The disbursements on account of the estate, in the year 1823, were as follows:

Pensions to the 6 Parishionary Almspeople being 6s. 3d. per lunar month				£24	7	6
Pensions to the 6 free Almspeople viz one at 12s per week	31	4	0			
and 5 at 7s per week each	91	0	0			
	122	4	0			
Deducting Mr. Jeremiah Copping's gift ...	36	0	0			
				86	4	0
Coals to the Company's 6 Almspeople and carriage of d° ...				21	0	0
Clothes to all 12 once in 2 years				26	11	0
Reader				5	5	0
Paymaster				5	5	0
Repairs				9	7	4
Postages				0	10	11
Gamekeeper's license £3 13s. 6d.; powder and shot £2 2s....				5	15	6
Quit Rent				2	1	6
Payment to Christ's Hospital				25	0	0
				211	7	9
Deduct one half of the charge for clothes, the same being given only once in 2 years				13	5	6
				£198	2	3

This is less, by nearly £40, than the average expenditure of the last 10 years. Taking it, however, as the present rate of disbursements, it falls a little short of the income previous to the granting of the present leases, at Michaelmas 1821, but leaves a considerable surplus out of the present rents. This will probably afford in time, the means of bringing the pensions nearer to an equality. At present however there are large charges for repairs to set against this surplus. In 1820 the repair of the

APPENDIX E.

No. 6.
Extract from Charity Commissioners' Reports.

Messrs. Wrottesley & Smith's Report, p. 125.

Almhouses cost upwards of £140, and in the two last years there has been expended, in letting the farms and repairs of the farmhouses and premises, which have been put into excellent condition, more than £1,500.

It appears that, in former times, the Company have come under large advances on similar accounts. In the entry which records the arrangement with Christs Hospital before mentioned, it is stated, that the Estate was then indebted above £2,000 which had, at sundry times, been paid by the Company upon building barns and repairing the farmhouse or sustained from losses by tenants. We have already noticed the charge of rebuilding the Almshouses in 1770.

The yearly sum of £25 per annum is received from the Company and carried to account amongst the Annuities.

In respect of this payment 6 boys children of freemen of the Company of Fishmongers are constantly maintained in the Hospital upon the presentation of the Court of Assistants of that Company,

The Company in 1803 subscribed 200 guineas to the Building fund of the Hospital and in 1829 a further sum of £200 in aid of its general funds.

APPENDIX E.

No. 7.
Affidavit of John Wrench Towse.

No. 7.

Affidavit of John Wrench Towse.

IN THE PRIVY COUNCIL.

IN THE MATTER of the Foundation known as the Hospital of Edward late King of England the Sixth of Christ commonly called Christ's Hospital.

and

IN THE MATTER of the Endowed Schools Act 1869 and amending Acts

and

IN THE MATTER of a Scheme made by the Commissioners under the said Acts intituled "A Scheme for the administration of the above mentioned Foundation."

I JOHN WRENCH TOWSE now and for 20 years last past a principal Clerk in the Office of the Worshipful Company of Fishmongers of the City of London (authorised to make the present Affidavit by and on behalf of the said Company) make Oath and say as follows :—

1.—For the purpose of the Appeal in the above-mentioned matters I have investigated the records of the Fishmongers Company with the view of ascertaining all facts therein appearing with reference to the Will of Mark Quested formerly a Citizen and Freeman of the said Fishmongers Company which Will is dated the 27th of January 1642 and the negotiations which took place between the Fishmongers Company and Christ's Hospital with reference to the

provisions contained in such Will as to the maintenance of poor children of Freemen of the said Company at Christ's Hospital and I have made myself well acquainted with all the facts relative to such matters appearing in the records of the said Company.

2.—A copy of the said Will of the said Mark Quested under the Seal of the Probate Division of the High Court of Justice has been also produced and shown to me. It appears from this copy that the said Will is correctly set forth in the Appendix to the case of the Fishmongers Company in the said Appeal.

3.—It appears from the records of the said Fishmongers Company and I believe it to be the fact that a Committee of the said Fishmongers Company on the 7th of February 1683 met a Committee of Christ's Hospital to consider the clause in the said Will of the said Mark Quested as to the maintenance of poor children of Freemen of the Fishmongers Company. The report of such meeting as the same appears on the said records is correctly set forth in the said Appendix to the case of the Fishmongers Company in the said appeal. I have no doubt that the said report states accurately what took place at the said meeting.

4.—It also appears from the said records that at a Court of the said Fishmongers Company held on the 18th of February 1683 the said Report of the said Committees was considered and a Committee appointed which was to meet consider of and present six children to the Governors of Christ's Hospital for their admittance to the said Hospital accordingly and it was ordered that the sum of £4. 3s. 4d. yearly be paid to the Governors of Christ's Hospital by half-yearly payments for keeping every of the said children from Lady Day then next and that the said Committee should provide and pay the said sum of £200 to the said Governors and it was also ordered by the Court of the Fishmongers Company that Mr. Wardens Esq^re. Sherrington Mr. Jekyll Mr. Sayer Mr. Withers Mr. Griffith and Mr. Loades or any three of them doe meete consider of and present sixe children unto the said Governors for their admittance into the said Hospitall accordingly and that the same £4. 3s. 4d. therein mentioned yearely be paid to the said Governors by half-yearely payments for keeping every of the said children from Lady Day then next and that the said Committee provide and pay the said sum of 200^li to the said Governors as therein mentioned. The Report of such meeting is correctly set forth in the said Appendix.

5.—I am informed and believe that the said report was, at a meeting of Christ's Hospital held on the 21st of February 1683 after some debate confirmed and that the report of such meeting is also correctly set forth in the said Appendix.

6.—I find also from the accounts of the said Fishmongers Company that the said sum of £200 was on or about the 21st of March 1683 paid by the Fishmongers Company to the Governors of Christ's Hospital.

7.—Ever since the year 1683 up to the present the agreement come to by the said Committees on the 7th of February 1683 has been acted upon by both the Fishmongers Company and Christ's Hospital. The Fishmongers Company have I believe always exercised their said right of presentation with great care and discrimination and they certainly have done so since I first became acquainted with the affairs of the said Company about 20 years ago. The Fish-

mongers Company have always elected children of freemen of the said Company who were suitable objects of the said charity. Christ's Hospital has I believe always since 1683 received maintained and educated six sons of poor freemen of the said Company who have been selected and presented by the Fishmongers Company as vacancies occurred and the Fishmongers Company have duly paid to Christ's Hospital the sum of £4 3s. 4d. a year for each child presented by them and maintained and educated by the Hospital so long as he was so maintained and educated.

8.—The said Fishmongers Company in the years 1803 1829 and 1834 relying as I believe upon the said Agreement paid to Christ's Hospital as a further endowment and contribution towards the maintenance of the children who should be presented by the said Fishmongers Company the sums of £210 £200 and £105.

9.—The Fishmongers Company are advised and believe that the said Company is a body corporate having the right of holding and the power of government or management over the endowments provided by the said Will of the said Mark Quested within the meaning of the "Endowed Schools Act 1869" and that the said Company in manner hereinbefore stated have the power of appointing poor children of Freemen of the said Company with emoluments out of the said endowment and that they are the Governing body of the said endowment within the meaning of the "Endowed Schools Act 1869."

10.—The Fishmongers Company is further advised and believes that the said above-mentioned scheme is not within the scope of or made in conformity with the said "Endowed Schools Act 1869" that the scheme has not due regard to the educational interest of the poor children of Freemen of the Company to which regard is required by the last-mentioned Act to be had on the abolition or modification of the privileges or educational advantages to which the children of Freemen of the said Company are entitled.

11.—The Fishmongers Company is further advised and believes that it is not clear from the said scheme whether it is intended that the said six sums of £4 3s. 4d. each which have heretofore been paid by the Fishmongers Company to Christ's Hospital for each of the six poor children presented by the said Fishmongers Company to Christ's Hospital should continue to be payable or whether it is intended that only one of such sums should from henceforth be payable to Christ's Hospital in respect of the boys to be hereafter presented for admission by the Fishmongers Company.

Sworn at No. 8 Bartletts Buildings in the City of London this 18 day of May 1889
Before me
RICHD. LETTS
A Commissioner to administer Oaths in the Supreme Court of Judicature.

J. Wrench Towse.

In the Privy Council.

IN THE MATTER of the FOUNDATION known as THE HOSPITAL of EDWARD late King of England the Sixth of Christ, commonly called CHRIST'S HOSPITAL.

AND

IN THE MATTER of the ENDOWED SCHOOLS ACTS 1869 and AMENDING ACTS.

AND

IN THE MATTER of a Scheme made by the Commissioners under the said Acts, entituled, "A Scheme for the Administration "of the above-mentioned Foundation."

APPENDIX E.

C. O. HUMPHREYS,
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SOLICITOR FOR THE FISHMONGERS COMPANY.

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